

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2960 OF 2014
IN
WRIT PETITION NO. 11014 OF 2014

Rakesh Nangia & Anr.	..	Petitioners
vs.		
The Dy. Registrar of Co-op. Societies & Ors.	..	Respondents
And		
The Administrator	..	Prop. Respondent

Mr. V. P. Tripathi for Petitioners and Proposed Respondent.
Mr. S. D. Rayrikar -AGP for Respondent No. 1.
Mr. Rampal Kohli with S. R. Ronghe for Respondent No. 2.

CORAM : M. S. SONAK, J.
DATE: 20 JANUARY 2015

P.C. :-

1] By this civil application, the petitioners seek leave to amend the petition by way of raising a challenge to order dated 9 December 2014 made by the Deputy Registrar of Co-operative Societies appointing an administrator to manage the affairs of respondent no. 4 society.

2] The learned counsel for respondent no. 2 points out that as against the order for appointment of an administrator, appeal would lie under Section 152 of the Maharashtra Co-operative Societies Act, 1960 ("said Act"). Accordingly, he submits that the present amendment ought not to be allowed.

3] There is merit in the objection raised by the learned counsel for respondent no. 2. The order dated 9 December 2014 is appealable under Section 152 of the said Act. Merely because order dated 9 December 2014 came to be passed during the pendency of this petition, is no ground to permit the petitioners to challenge the same in the present petition when alternative, efficacious, statutory remedy is available to the petitioners.

4] Accordingly, this civil application is dismissed. However, the petitioners shall have the liberty to file an appeal against the order dated 9 December 2014, if they so choose under Section 152 of the said Act.

5] Place the writ petition on 12 February 2015 HOB.

(M. S. SONAK, J.)