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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.468 OF 2014

Vitthal Laxman Gadge

...Petitioner

V/s.

The Deputy Registrar

C-op. Society Thane & Ors.

...Respondents

.....

Mr. Siddheshwar Kalel i/b. Pol Legal Juris for the Petitioner.

Mr. Suresh Madjekar Kamble for the Respondent no.3.

Mr. S. D.Rayarikar. AGP, for Respondent nos.1 and 4.

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CORAM : A. K. MENON, J.

DATE : 20TH OCTOBER, 2015.

PC.:

Heard. The learned counsel for the petitioner seeks leave to amend to join the Divisional Joint Registrar, Co-operative Societies, Navi Mumbai, as respondent no.4. Amendment to be carried out forthwith. Re-verification is dispensed with. Mr. Rayarikar, the learned AGP, waives service for respondent nos.1 and 4.

2] The present Petition can be disposed of with the following brief directions.

Mr. Rayarikar, the learned AGP, on instructions, states that the Appeal No.55 of 2013 pending before respondent no.4 challenging the

order dated 12th August, 2013 will be disposed of within a period of three months from today.

3] In the meantime, the learned counsel for the petitioner submits that there is no case made out for deposit in view of the fact that he had resigned from his post on 3rd April, 2003, that the notice is misconceived and that vide his reply dated 27th July, 2012 he has dealt with the contentions in the show cause notice despite which a recovery certificate has been issued wherein a sum of Rs.5,74,548.77 is being demanded. He therefore, submits that the order may be stayed till disposal of the Appeal. Accordingly, no coercive steps will be taken pursuant to the certificate under section 101 till 20th January, 2016. If the order passed by respondent no.4 is adverse to the petitioner, the same shall not be acted upon for a further period of two weeks. The petitioner and respondent no.3 shall appear before respondent no.4 on 28th October, 2015 at 11.00 a.m. Petition is, accordingly, disposed of in the above terms.

(A. K. MENON, J.)