

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1336 OF 2016
IN
WRIT PETITION NO.10397 OF 2015**

Deepti Airsystem and Febricators Pvt. Ltd. : Applicant.

In the matter between

**Nav Nandanvan Industrial Premises CHS and ors. : Petitioners
versus**

**Smt. Shanta Venkatesh Rao
Proprietress of Unique Industrial &
Engineering Works : Respondent.**

**Mr. A A Siddiqui i/by A A Siddiqui & Associates for the Applicant.
Mr. Mohankumar for the Respondent No.1.
Mr. Abhijit Singh i/by Ms. Pallavi Potnis for the original Petitioners.**

**CORAM : R. M. SAVANT, J.
DATE : 06th December 2016**

P.C.

1 The above Civil Application has been filed by the Applicant Deepti Airsystem and Febricators Pvt. Ltd. seeking intervention in the above Writ Petition. The intervention is sought on the ground that in respect of the premises in question a First Appeal is pending between the parties being First Appeal No.309 of 2008 which has been tagged along with the above Writ Petition.

2 In so far as the above Writ Petition is concerned, the subject matter of the same is the order passed by the Divisional Joint Registrar of the

Cooperative Societies dismissing the Revision filed by the Petitioner Society and thereby confirming the order passed by the Deputy Registrar granting membership to the Respondent to the above Petition.

3 The Applicant i.e. the intervenor was neither the party before the authorities under the Co-operative Societies Act nor does the Applicant/Intervenor has any locus in so far as the said aspect of membership is concerned. The intervention is sought on the apprehension that since the membership is now conferred on the Respondent to the above Writ Petition, she may deal with the premises in question. The said apprehension seems to be mis-founded in view of the interim order dated 20/01/2016 by which order the Respondent has been restrained from creating any third party rights in respect of the premises in question on the basis of the share certificate issued by the Petitioner Society.

4 Since the above Writ Petition has been admitted, the said interim order would obviously operate pending the hearing and final disposal of the above Writ Petition. Hence for the aforesaid reason, the prayer sought by the Applicant in the above Civil Application cannot be acceded to. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]