

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 40 OF 2016
IN
WRIT PETITION NO. 1724 OF 2016

Smt. Aasha Jashwant Shah ... Petitioner
Vs.
The Walkeshwar Chandanbala
Co-operative Housing Society
Limited & Ors. ... Respondents

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Mr. Rajendra Kiyadar for the petitioner.
Mr. G.C. Mohanty i/b. Mohanty & Asso. for respondent no.1.
Ms. M.S. Bane, 'B' Panel for the state.

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CORAM : M.S. SONAK, J.
DATE : 22.03.2016.

P.C.:

1. Heard the learned counsel for the petitioner.
2. By order dated 09/02/2016, of which review is applied for the petitioner is granted stay and the respondents have been restrained from executing the impugned order. As a condition for availing such stay, the petitioner was directed to deposit an amount of Rs. 70,000/-.
3. The learned counsel for the petitioner submits that the petitioner had already deposited an amount of Rs. 93,886/- before the Revisional Authority by way of compliance with the provision contained in Section 154 (2A) of the Maharashtra Co-operative Societies Act, 1960 and therefore, he submits that the directions for depositing further amount of Rs.70,000/- is an error apparent on face of record. He submits that this Writ Petition is or in any case should be regarded as a

continuation of Revision Petition instituted by the petitioner before the Revisional Authority.

4. There is no merit in this Review Petition. The contention that a Writ Petition is continuation of revision proceedings is misconceived. Further, if the amount of Rs. 93,886/- deposited by the petitioner at the stage of institution of Revision Petition, represents 50% of the amount referred to in the recovery certificate, then, obviously after the petitioners review application came to be dismissed, the petitioner in terms of the impugned order is due and payable to the respondents the balance 50% of Rs.93,886/- with interest. In such circumstances, if the petitioner is required to deposit Rs. 70,000/- as per-condition for availing an interim relief it cannot be said that the imposition of such condition constitutes an error apparent on face of record.

5. Accordingly this Revision Petition is dismissed.

6. However, at the request of the learned counsel for the petitioner the time limit for depositing an amount of Rs. 70,000/- is extended up to 26/04/2016. Place this matter on 02/05/2016.

(M.S. SONAK, J.)