

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

WRIT PETITION (STAMP) NO.7673 OF 2016

Mrs. Sunita Vinod Kriplani and another .. Petitioners

Versus

M/s. Red Gate Co-operative Housing

Society Ltd. and others

.. Respondents

Mr. S. P. Kanuga i/by Mr. P. B. Shewale, for the Petitioners.

Mr. Y. N. Shah, for the Respondent No.1.

Mrs. S. S. Bhende, AGP for the Respondent Nos.2 & 4.

CORAM : R.M. SAVANT, J.

DATE : 4th APRIL 2016

PC.

1. The order dated 29.05.2014 passed by the Deputy Registrar, Co-operative Societies, 'H' West Ward, Mumbai, under Section 101 of the Maharashtra Co-operative Societies Act is taken exception to by way of the above Petition. It is not necessary to entertain the above Petition in view of the alternative efficacious remedy by way of a Revision under Section 154 of the Maharashtra Co-operative Societies Act available to the Petitioners. By relegating the Petitioner to the said remedy, the above Petition is disposed of. The Petitioner would be liable to make the deposit in terms of Section 154(2) for the Revision to be considered. However, if the Petitioner in Writ Petition (Stamp) No.112 of 2016 or the above Petitioner

deposits the amount of 50% as mandated to be deposited in terms of Section 154(2), the same would enure to the benefit of the other Petitioner/Petitioners also and it is for the Petitioners interse i.e. Petitioner in Writ Petition (Stamp) No.112 of 2016 and Petitioners in Writ Petition (Stamp) No.7673 of 2016 to adjust the amount amongst themselves. If the issue of limitation arises, the fact that the Petitioners were prosecuting the above Petition can be urged by the Petitioners.

[R.M. SAVANT, J]