

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St.NO. 9455 OF 2016**

Nilima Arum Gadre

..Petitioner

Vs.

**The State of Maharashtra through Ministry
of Co-operation and ors**

..Respondents

Mr. Hemant Ghadigaonkar for the Petitioner

Mrs. M. S. Bane "B" Panel Counsel for the Respondent Nos.1 and 2

Mr. U. J. Desai i/b Mr. Sadanand Desai for the Respondent No.3

CORAM : R. M. SAVANT, J.

DATE : 5th APRIL, 2016

P.C.

1 The Writ Jurisdiction of this court has been invoked in view of the fact that the Respondent No.2 i.e. the Deputy Registrar Co-operative Societies has closed the proceedings under Section 101 for orders on 18-2-2016. It is the case of the Petitioner that without hearing the Petitioner the said proceedings have been closed for orders.

2 The Learned Counsel appearing for the Respondent No.3 bank as well as the Learned AGP on instructions point out that inspite of notices, the Petitioner has not chosen to appear before the Respondent No.2 on the dates when the said proceedings were kept for hearing.

3 Upon this the Learned Counsel for the Petitioner Mr. Ghadigaonkar states that the Petitioner would remain present before the Respondent No.2 on the date that would be stipulated by this court and would complete his submissions on the same date and would also file his written submissions. Though in the instant case there might have been some default on the part of the Petitioner in not appearing before the Respondent No.2. It would be just and proper to permit the Petitioner to make submissions before the Respondent No.2 so that the same can be taken into consideration by the Respondent No.2 whilst passing the orders on the application made by the Respondent No.1 under Section 101 of the said Act. Hence the following directions:

(i) The Petitioner to appear before the Respondent No.2 on 20-4-2016 at 3.00 p.m. on which day the Respondent No.2 would hear the Petitioner. The Petitioner also to file Written Submissions on the said date at the end of the hearing.

(ii) It is made clear that no further time would be granted to the Petitioner both for hearing as well as to file Written Submissions. The Respondent No.2 would thereafter hear the learned Advocate appearing for the Respondent No.3 Bank in response to the submissions made on behalf of the Petitioner.

(iii) The Respondent No.2 would pass orders taking into consideration the submissions that would be urged on behalf of the parties including the Petitioner and pronounce his orders accordingly.

4 With the aforesaid directions the Writ Petition is disposed of.

[R.M.SAVANT, J]