

that during her lifetime, she has nominated Respondent No.2 as nominee for the purpose of conformation the membership of the society. The Petitioner herein contends that the membership was conformed on the mother on 26 August 1989, whereas nomination form was presented on 14 March 1986. It is contention of the Petitioner that the nomination of heir cannot be precede confirmation of the membership on his mother, and as such, the nomination of Respondent No.2 by mother of the Petitioner and Respondent was illegal and doubtful. It does appear that the application form for membership and nomination form was filed by the mother of the Petitioner and Respondent No.2, on 14 March 1986.

4 On perusal of Section 30 which relates to the nomination by the member, we do not find any such bar. There does not appears to be any bar in tendering the nomination application informing the name of the nominee together with the application seeking membership. Even otherwise, the nominee is entitled to hold a property as trustee and right, title and entitlement of the legal heirs are not defeated by such confirmation of the membership. It would be open for the Authority dealing with the application i.e. the Deputy Registrar, Co-operative Society, R-North Division, Mumbai to consider the material placed on record and pass an appropriate order. Since the order under challenge is remand of matter for reconsideration of the Deputy Registrar, Co-operative Society, R-North Division, Mumbai, no interference is called under Article 226 of the Constitution of India in exercise of extraordinary jurisdiction. It would be open for the Deputy Registrar, Co-operative Societies, R-North Division, Mumbai to consider all objections those may be raised by the parties touching to the subject matter and the concerned Authority may pass an

appropriate orders in accordance with provisions of law. In view of the above, the Writ Petition is disposed of.

(R.M. BORDE, J.)