

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7449 OF 2016

Mr. Sanjay V. Kedari and anr.

.....Petitioners

V/s.

The State of Maharashtra & Ors.

.....Respondents

* * * * *

Mr. Yuvraj D. Patil, Advocate for the petitioners.

Mr. Anil R. Mishra, Advocate for respondents no.4 to 6.

Ms. M.S. Bane, AGP for State.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 5TH JULY, 2016.

P.C. :-

- 1). This petition is directed against the interim order dated 24th June, 2016 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai in Appeal No. 265 of 2016 filed by respondents no.4 to 7. The impugned order stays operation of the order dated 1st June, 2016 passed by the Assistant Registrar appointing Administrator of respondent no.4, Society. The petitioners are the members of

respondent no.4, Society on whose complaint, the action was taken by the Assistant Registrar.

- 2). The petitioners are not impleaded to the Appeal preferred by respondents no.4 to 7. They, however, filed two applications for intervention before the Divisional Joint Registrar on 16th June, 2016. According to respondents no.4 to 7, they were not heard before the order impugned in the petition was passed. They had also filed two applications on 16th June, 2016 seeking hearing in the matter, contending that when the hearing was closed on 14th June, 2016 they were not present and as such not heard. These two applications have not been disclosed in the present petition. The order impugned in the petition is only on admission of the appeal and the interim relief granted during the pendency of the appeal. As regards the order of admission of the appeal, the petitioners could make no grievance of the same, even of denial of opportunity of hearing. The only aspect on which the petitioners could be heard was of grant of interim reliefs. The nature of the interim relief is such that, if the same is not granted, the appeal preferred by respondents no.4 to 7 will become infructuous. Besides, the application of the petitioners for intervention is still pending. In the circumstances, I find no merit whatsoever in the petition filed. The petition is therefore dismissed.

(SMT. R.P. SONDURBALDOTA, J)