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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL No. 238 OF 2010
IN
WRIT PETITION No. 6443 OF 2009

Neel Nandini “B” Co-operative
Housing Society Ltd. ... Appellants
Vs.
State of Maharashtra & Ors. ... Respondents

None for the Appellants.

Mr. N. C. Walimbe, AGP for the Respondent – State.

Mr. Jas Sanghavi i/b PDS Legal, for the Respondent Nos. 4 & 5.

CORAM : V. M. KANADE, &
Smt. SWAPNA S. JOSHI, JJ.

DATE : SEPTEMBER 1, 2016

PC.

1. None appears on behalf of the Appellants. Heard the learned counsel appearing on behalf of Respondent Nos. 4 and 5. Appellants' advocate remained absent even on an earlier date. We, therefore, propose to decide the appeal on the basis of the record.

2. The Appellant is a co-operative housing society. Respondent Nos. 4 and 5 purchased the flat in Appellant Society, and thereafter applied for membership. According to Respondent Nos. 4 and 5, this application was received by the Society on 5th July, 2005. Since no action was taken by the Society, the Respondent Nos. 4 & 5 filed an application to the Dy. Registrar, Co-operative Societies under Section 22(2) of the Maharashtra Co-operative Societies Act, 1960. This application was allowed and the Society was asked to enroll Respondent Nos. 4 and 5 as their members. The Appellants challenged the said order by filing revision under Section 154 of the said Act. Said revision was also dismissed and the order of the Dy. Registrar was confirmed by the Divisional Joint Registrar by an order dated 23rd April, 2009. The statement of the parties were recorded by the Dy. Registrar. It is a matter of record that the Society said that they had no objection to enroll Respondent No. 4 and 5 and that the decision will be taken in the meeting.

3. The learned Single Judge after having gone through the record confirmed the order passed by the lower authority. We do not see any infirmity and illegality in the said order. We are of the view

that no case is made out by the Appellants for setting aside the order passed by the authorities below. Letters patent appeal is, therefore, dismissed.

Sd/-

[Smt. SWAPNA S. JOSHI, J.]

Vinayak Halemth

Sd/-

[V. M. KANADE, J.]