

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 215 OF 2016

Prakash Inder Karnani .. Petitioner
vs.
Eden Garden Co-operative
Housing Society Ltd. .. Respondent

Mr. Sushil Nimbkar for the Petitioner.
Mr. Tejas Dande for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 29 FEBRUARY 2016.

P.C. :-

- 1] Not on board. Upon production, taken on board.
- 2] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.
- 3] The challenge in this petition is to the order dated 29 October 2015, by which the Petitioner's revision application has been dismissed mainly on the grounds of non-compliance with the predicates under of Section 154 (2A) of the Maharashtra Cooperative Societies Act, 1960 (said Act).
- 4] The record would indicates that the Petitioner had already paid certain amounts towards compliance with the requirement of

deposit of 50% of the amount demanded in terms of Section 154 (2A) of the said Act. However, it transpires that there as a short fall. Although, the Petitioner, disputes the quantum of shortfall, the Petitioner, without prejudice, has deposited amount of Rs.20,000/- in the account of Respondent-society on 26 February 2016. With this, the shortfall, has been made out.

5] In view of the aforesaid peculiar facts and circumstances, the impugned order dated 29 October 2015 is hereby set aside and the Petitioners' revision application is restored to the Revisional Authority for fresh consideration, in accordance with law and on its own merits.

6] Considering that the disputes between the parties are such, as would advisedly be sorted out in an amicable manner, the parties are referred to mediation. Mr. Amogh Parlikar, Advocate, is requested to mediate in the matter and assist the parties in sorting out their disputes in amicable manner. Considering the nature of disputes, it will be in the interests of both the parties to sort out such dispute by way of mediation.

7] The Mediator to submit report of mediation before the Revisional Authority authority within a period of six weeks from today.

8] On basis of report of Mediator, the Revisional Authority to make appropriate orders, in case, the dispute between the parties is sorted out amicably. In case, the dispute is not sorted out amicably, the Revisional Authority to dispose of revision application, on its own merits and in accordance with law.

9] Rule is made absolute in this petition. There shall however, be no order as to costs.

10] Parties to appear before the Revisional Authority on 22 March 2016 at 3.00 p.m. and produce an authenticated copy of this order.

11] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)