

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.252 OF 2011
WITH
CHAMBER SUMMONS NO.205 OF 2015**

Maryknoll Corporation .. Petitioner
Versus
Sultan Shaukatali Mansoori And Others .. Respondents

**WITH
CHAMBER SUMMONS NO.205 OF 2015**

Mrs. Gazala Shamshu Qureshi .. Applicant/Intervenor

In the matter between :

Maryknoll Corporation .. Petitioner
Versus
Sultan Shaukatali Mansoori And Others .. Respondents

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Mr. Arif Bookwala, Senior Counsel a/w Mr. Zain Mookhi, Mr. Ganesh Ambekar, Ms. Jyoti Ghag i/b Thakore Jariwala & Associates for the Petitioner.

Mr. Pradeep Thorat for Respondent No.1.

Mrs. Madhubala Kajale, AGP for Respondent Nos.13 to 16.

Mr. U.B. Nighot i/b Sagar Agarkar for the Applicant/Intervenor in Chamber Summons No.205 of 2015.

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CORAM : S.C.GUPTE, J.

DATE : 9 JUNE 2016.

P.C. :

. Heard learned Counsel for the parties. After the matter is heard at some length, it is agreed between Counsel for both the sides that the

matter needs to go back to the Divisional Joint Registrar, Co-operative Societies (Appeals & Revisions), Mumbai Division, for a fresh determination of the Appeal in accordance with law. Accordingly, the Petition is disposed of in terms of the following order.

: O R D E R :

- i) The impugned order of the Minister for Co-operation, dated 21 October 2010 is set aside. So also, the order of the Divisional Joint Registrar, Co-operative Societies (Appeals & Revisions), dated 23 April 2010 is set aside;
- ii) Appeal No.98 of 2004 is remanded to the Divisional Joint Registrar, Co-operative Societies (Appeals & Revisions), for a fresh hearing in accordance with law;
- iii) The Divisional Joint Registrar, Co-operative Societies (Appeals & Revisions), is directed to hear all the parties and decide the appeal as expeditiously as possible and in any event, within a period of four months from today;
- iv) The Petitioner herein shall be at liberty to apply for such interim relief as it may deem fit before the Divisional Joint Registrar, Co-operative Societies (Appeals & Revisions), pending the hearing of the appeal. Such application shall be decided on its own merits, without being influenced by this order.
- v) All rights and contentions of the parties on merit are kept open;

2. In view of disposal of the Writ Petition, Chamber Summons No.205 of 2005 does not survive and the same is also disposed of.

(S.C.GUPTE, J.)