

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

WRIT PETITION LODGING NO.2579 OF 2016

**Kenwood Co-operative Housing
Society Ltd and anr.**

: Petitioner.

versus

State of Maharashtra and ors.

: Respondents.

**Mr. Anilkumar Patil i/by Mr. S R Pawar for the Petitioner.
Mr. Kaushal Trivedi AGP for the Respondent Nos.1 to 3.**

**CORAM : R. M. SAVANT, J.
DATE : 03rd October 2016**

P.C.

1 Though the Respondent No.5 was sought to be served by the Petitioner, it seems that he has refused to accept the service. The learned counsel for the Petitioner Shri Patil states that affidavit of service would be filed in the course of the week. Having regard to the directions that are required to be issued, in fact, the need to serve notice on the Respondents is obviated,

2 The order dated 22/09/2016 passed by the Divisional Joint Registrar which is recorded in the Roznama of the said date is taken exception to by way of the above Petition. The relevant extract of the Roznama is reproduced hereunder :-

“Heard both the parties & matter closed for final order with liberty to both parties to file W.A. within 10 days, if any”.

It is the case of the Petitioner Society that without hearing the Petitioner on the said day i.e. on 22/09/2016, that the aforesaid order came to be passed. It is therefore the submission of the learned counsel for the Petitioner that the Petitioner be heard along with other parties if any and thereafter appropriate orders in the Revision be passed in accordance with law.

3 The learned AGP is not in a position to dispute the said position but it is his contention that the parties have been heard sometime in July 2016. In my view, since the hearing if any has taken place as long back as in July 2016, the interest of justice would be served if the parties are directed to be heard.

4 The impugned order dated 22/09/2016 is accordingly quashed and set aside. The Divisional Joint Registrar is directed to hear the Petitioner and other parties and thereafter passed appropriate orders in accordance with law. The parties are directed to remain present before the Divisional Joint Registrar on 17/10/2016 at 3.00 pm. The Divisional Joint Registrar may issue notice to the parties who are not present before this Court intimating them of the said date. After hearing the parties on merits it would be open for the Divisional Joint Registrar to direct the parties to file written arguments. The

learned AGP to intimate the Divisional Joint Registrar of the aforesaid developments. With the aforesaid directions, the above Writ Petition is disposed of.

5 All concerned parties to act upon an ordinary copy of the instant order duly authenticated by the Court Associate/Sheristedar.

[R.M.SAVANT, J]