

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Misc. Civil Application No.281 of 2015 (for Review)

In

Writ Petition No.1503 of 2002 (D)

(Smt. Meera Prakash Meshram and another v. Divisional Joint Registrar,
Co-operative Societies, Nagpur, and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri N.D. Khamborkar, Advocate for Applicants/Petitioners.

Coram : R.K. Deshpande, J.

Date : 8th January, 2016

This Misc. Civil Application seeks review of the judgment and order dated 15-1-2015 passed by this Court in Writ Petition No.1503 of 2002.

When the petition was decided, none appeared for the petitioners. Shri Khamborkar, the learned counsel for the petitioners, submits that the petition was, therefore, decided without hearing him. He was, therefore, permitted to argue the matter on merits. He has invited my attention to para 21 of the order passed by the Co-operative Court, Nagpur, on 17-5-2007 to show that the Managing Committee was not empowered to enroll 166 members. He has further invited my attention to para 17 of the judgment and order dated 19-12-2009 passed by this Court

in Writ Petition No.4021 of 2009 challenging the order passed by the Co-operative Court on 17-5-2007, wherein it was held that the bye-law carries a ceiling on the number of ordinary members. He has further invited my attention to para 20 of the said judgment and order, wherein it was held that 149 persons were not shown to be even enrolled as per the law at any time. He, therefore, submits that the resolution was challenged before the Deputy Registrar, Co-operative Societies, Nagpur, who passed an order on 1-9-2001 in favour of the Society, which was reversed by the Divisional Joint Registrar, Co-operative Societies, Nagpur, on 25-2-2002.

While deciding Writ Petition No.1503 of 2002, this Court has observed in para 3 of the judgment and order passed in the said writ petition that the order passed by the Deputy Registrar on 1-9-2001 has not been annexed to the petition so as to know the reasons for which the resolution was set aside. In para 5, it has been observed that the aspect of ceiling limit of 50 members has been considered. I have gone through the copy of the petition. The learned counsel for the petitioners could not point out any ground of challenge to the effect that 149 persons enrolled could not have voted in the meeting in which the resolution was passed. On the contrary, in para 5 of the judgment and order in the said writ petition, this Court has observed that in fact no such meeting was held on 3-6-2001, as it

was boycotted by 23 members. There is no error of fact or law apparent on the face of the record. No ground is made out for review.

The Misc. Civil Application for review is dismissed with the costs of Rs.2,000/- to be paid by the review-petitioners to the High Court Bar Association, Nagpur, within a period of one week.

Judge.

Lanjewar