

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION (ST.) NO.113 OF 2018
with
WRIT PETITION (ST.) NO.114 OF 2018**

Pradeep Krishnaji Sule .. Petitioner
Vs.
Shivnand Co-operative Society Ltd. & Ors. .. Respondents

**ALONG WITH
WRIT PETITION (ST.) NO.154 OF 2018
with
WRIT PETITION (ST.) NO.155 OF 2018**

Uday Krishnaji Sule .. Petitioner
Vs.
Shivnand Co-operative Society Ltd. & Anr. .. Respondents

Ms.Neeta Karnik for the petitioners.
Mr.Ashish Kamat a/w Mr.Kunal Mehta, Mr.Gautam Sahni and
Mr.Himanshu Pradhan i/by Mr.Robin F. for the respondent no.1.
Mr.S.D. Rayrikar, AGP for the respondent no.2-State.

**CORAM : R.D. DHANUKA, J.
DATE : 22nd January 2018**

P.C.:

. Papers are allowed to be produced at 3.00 p.m.

2. Mr.Kamat, learned counsel appearing for the respondent no.1 raises an objection about maintainability of these petitions without availing of a remedy under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (for short “the said MCS Act”).

3. Ms.Karnik, learned counsel appearing for the petitioners submits that since the petitioners were not members of the respondent

no.1 society, recovery certificate issued under Section 101 of the said MCS Act by the Recovery Officer itself is illegal and thus the petitioners are not required to file revision applications. She submits that the review petition shall be entertained by this Court.

4. In my prima facie view, the remedy of the petitioners would be available to file revision application under Section 154 of the said MCS Act.

5. Learned counsel appearing for the respondent no.1 states that the respondent no.1 will not raise an objection about maintainability of the revision application if the same is filed by the petitioners and the same is in compliance with Section 154 (2A) of the said MCS Act. Statement is accepted.

6. Learned counsel for the petitioners, on instructions, seeks liberty to withdraw these petitions with liberty to file revision application under Section 154 of the said MCS Act.

7. Writ petitions are accordingly dismissed as withdrawn with liberty as prayed. It is made clear that this Court has not expressed any views on merits of the matters. All contentions raised by the parties on merits in respect of recovery certificate are kept open.

8. All the petitioners in aforesaid petitions are directed to file revision applications within two weeks from today. The petitioner would be at liberty to apply for interim stay before the revisional authority in

accordance with law. For a period of three weeks from today, the respondent no.1 shall not take coercive action against the petitioners. It is made clear that if the revision application is not filed within two weeks from today, interim protection granted by this Court to stand vacated without further reference to the Court.

R.D. DHANUKA, J.