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

WRIT PETITION NO.12116 OF 2015

Proposed Celebriya Sahakari Gruhrachana
Sanstha Maryadit & Ors.

..Petitioners.

Vs.

M/s Anu Construction & Ors.

..Respondents.

Mr. Ajay S. Joshi, for Petitioners.

Ms. M.S. Bane, AGP for Respondent Nos.2 to 4.

CORAM: A.S. GADKARI. J.

DATE: 28 AUGUST 2017.

P.C.:

1] By the present petition under Article 227 of Constitution of India, petitioner has taken exception to the Order dated 11.10.2013 passed by the Divisional Joint Registrar, Pune Division, Pune (respondent No.4) rejecting appeal and confirming Order dated 15.4.2013 passed by the District Deputy Registrar, Co-Operative Societies Pune (respondent No.3) rejecting the application of the petitioner for registration of the society under Section 8 of the Maharashtra Co-Operative Societies Act.

2] The record indicates that, the respondent No.3 rejected the application of the petitioner on the ground that the respondent No.1 had already entered into deed of apartment with certain number of the flat purchasers of the petitioner and submitted Index-II in that behalf. Respondent No.4 while rejecting the Revision in para-7 has categorically observed that unless the deed of declaration and deed of apartment submitted by the respondent No.1 are cancelled by the Court of competent jurisdiction, the registration of the petitioner-society cannot be effected.

3] The record clearly indicates that the petitioners have already filed a Regular Civil Suit bearing No.716 of 2013 in the Court of Civil Judge, Junior Division, Pune for injunction and declaration that the deed of apartment dated 10.8.2012 is void and ab-initio and is not binding on the petitioners.

4] In view of the fact that the petitioners have already filed a civil suit for relief mentioned therein, at present the order under challenge need not be interfered with. It is to be noted that the observations made in para-7 of Order dated 11.10.2013 passed by the Divisional Joint Registrar, Pune Division, Pune (respondent No.4), are correct and appropriate observations made by it, in view of the facts of the present case and according to me,

there is no need to interfere with the impugned order passed by the respondent No.4 at this stage, till the decision of the said civil suit.

5] It is needless to mention that, the petitioners are at liberty to move the appropriate authority after the decision in Regular Civil Suit bearing No.716 of 2013 pending on the file of Civil Judge, Junior Division, Pune.

6] With aforesaid directions, petition is disposed off.

(A.S. GADKARI, J.)