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

WRIT PETITION NO.9243 OF 2017

Ujwala Masdekar

.Petitioner.

Vs

Ramugade Sahaniwas No.2 Sahakari
Griharachana Sanstha Maryadit

..Respondent.

Mr. Rajiv Patil, Senior Counsel with Sachin Punde for Petitioner.
Mr. SH. Kankal, AGP for State.
Mr. P.D. Dalvi for Respondent-Society.

CORAM: A.S. GADKARI. J.

DATE: 14 AUGUST 2017.

P.C.:

1] By an Order dated 6.9.2013, the Assistant Registrar, Cooperative Societies, Wadgaon Maval, District-Pune/Respondent No.2 issued Recovery Certificate under Section 101 of the Maharashtra Cooperative Operative Societies Act.

2] The petitioner has preferred a Revision Application No.259 of 2013 on 10.12.2013 after complying with mandatory requirements under Section 152 of Maharashtra Cooperative Operative Societies Act. The

petitioner has also preferred an application for interim relief of even date. The said application is not decided till date by the Revisional Authority.

3] The record indicates that, the respondent-society had preferred an application before the District Joint Registrar challenging the maintainability of the revision application filed by the petitioner and the said application came to be rejected on 30.6.2015. Despite the fact that the petitioner deposited 50% of the decretal amount and her application for interim relief is pending for adjudication before the concerned Authority, the respondent-society has proceeded to execute the Order passed by the Assistant Registrar dated 6.9.2013 and accordingly the Special Recovery Officer issued a notice dated 15.6.2017 directing attachment and/or seizure of property of the petitioner.

4] In view of the fact that the petitioner has already deposited 50% of the decretal amount before the Revisional Authority and that her application for interim relief is pending for adjudication since December 2013 before the said authority, the interest of justice demands that the notice dated 15.6.2017 deserves to be stayed till the respondent No.3-Divisional Joint Registrar finally decides the revision application No.259 of 2013.

Hence, the following Order:

(i) The Divisional Joint Director/Respondent No.3 is hereby directed to decide the revision application No.259 of 2013 within 6 months from the date of receipt of this Order.

(ii) Till the aforestated application is decided, there shall be stay to the operation and implementation of the Order dated 6.9.2013 passed by the Assistant Registrar, Cooperative Societies/Respondent No.2 in favour of the respondent No.1-Society.

(iii) It is needless to mention that, the petitioner shall not create any third party right, title or interest in respect of the property till the decision of revision application.

(iv) Petition is allowed in the aforesaid terms.

5] The learned AGP to communicate this Order to the concerned authorities.

All the concerned to act on an authenticate copy of this Order.

(A.S. GADKARI, J.)