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

WRIT PETITION NO.12653 OF 2016

Kurien Mathew

.. Petitioner

Vs.

State of Maharashtra & Ors.

..Respondents

Mr. Chacko Joseph with Ms. Sneha Sonawane for Petitioner.

Mr. S.H. Kankal, AGP for Respondent Nos.1,2,3 & 5.

Ms. I.A. Sarkhot i/b Devashree D. Raut for Respondent No.6.

CORAM: A.S. GADKARI. J.

DATE: 28 AUGUST 2017.

P.C.:

1] By the present petition, petitioner has taken exception to the Order dated 20th August 2016 passed by the Divisional Joint Registrar, Co-Operative Sociteis, Konkan Division, Navi Mumbai, rejecting the application for stay preferred by the petitioner in Revision Application No.45 of 2016.

2] The record indicates that, in an enquiry conducted under Section 88 of the Maharashtra Cooperative Societies Act, 1960 (for short

'said Act'), the enquiry officer fixed liability of Rs.8,15,000/- on the petitioner on the ground that the petitioner caused monetary loss to the Society during the period 2006-2007 when the petitioner was the member of the Managing Committee and signed certain cheques without following procedure as per bye-laws of the respondent No.6-Society. The revision application preferred by the petitioner under Section 154 of the said Act is pending for final adjudication before the Divisional Joint Registrar, (CS), Konkan Division, Navi Mumbai I.e.respondent No.2. As stated earlier, the respondent No.2 has rejected the application for stay of the petitioner and subsequent thereto the respondent No.6-Society has initiated execution proceedings for recovery of that amount.

3] As the revision application preferred by the petitioner is pending for final adjudication before the respondent No.2-authority, I am inclined to grant interim relief of stay to the execution proceedings initiated by the respondent No.6-Society subject to condition that the petitioner shall deposit an amount of Rs.3 lakhs with the respondent No.6-Society within a period of two weeks from today.

If petitioner deposits the said amount of Rs.3 lakhs within 2 weeks from today, application preferred by the petitioner for stay which is

annexed at page-136 to the present petition would stand allowed pending the said Revision Application No.45 of 2016 before the respondent No.2.

If petitioner fails to deposit the said amount within the stipulated period, the said application for stay shall stand rejected and the impugned Order passed by the respondent No.2 dated 20th August 2016 shall stand revived without further reference to this Court.

4] It is abundantly made clear that, period to deposit the said amount of Rs.3 lakhs will not be further extended on any count.

5] It is needless to mention that, the said amount of Rs.3 lakhs will be deposited by the petitioner with respondent No.6-Society without prejudice to the rights and contentions of the petitioner and will be subject to final outcome of the revision application No.45 of 2016 pending on the file of respondent No.2. The Revisional Authority i.e. the Respondent No.2 is directed to pass appropriate orders pertaining to the said deposit of Rs.3 lakhs at the time of conclusion of the said Revision.

6] Petition is disposed off in the aforesaid terms.

(A.S. GADKARI, J.)