

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1337 OF 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.A.S. Patil, Advocate for Petitioner.

CORAM : R. G. KETKAR, J.

DATE : 08/12/2017

P.C.:

1. Heard Mr.A.S. Patil, learned Counsel for the petitioner.

2. This Petition takes exception to the order dated 4.10.2013 passed by respondent No.2 – District Deputy Registrar of Co-operative Societies, Kolhapur City, Kolhapur. By that order, respondent No.2 rejected application made by the petitioner under Section 9 of the Maharashtra Co-operative Societies Act, 1960 (for short, 'Act') for name reservation and opening of a bank account.

3. Any order passed under Section 9 is appealable under Section 152 of the Act. In view thereof, Mr. Patil seeks permission to withdraw this Petition with liberty to file appeal under Section 152 of the Act before the Divisional Joint Registrar. He further submits that the Petition was presented in this Court on 4.12.2013 and, therefore, the time spent by

the petitioner in prosecuting this Petition may be excluded subject to the petitioner filing appeal within four weeks from today.

4. In view thereof, the Petition is allowed to be withdrawn with liberty to the petitioner to file appeal before the Divisional Joint Registrar under Section 152 of the Act. Such an appeal shall be presented within four weeks from today. If the appeal is presented within four weeks from today, the time spent by the petitioner in prosecuting this petition from 4.12.2013 to 8.12.2017 shall be excluded while considering the period of limitation. It is made clear that I have not examined the merits of the case. All contentions of the parties on merits are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)