

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St.NO. 33195 OF 2016**

Hanmantrao Banduji Pawar & Ors

..Petitioners

Vs.

Ajinkya Nagari Sahakari Patsanstha, Sangli & Ors

..Respondents

Mr. U. P. Mankapure for the Petitioners

Mr. S. D. Rayrikar AGP for the Respondent Nos.2 and 3

CORAM : R. M. SAVANT, J.

DATE : 11th JANUARY, 2017

P.C.

1 The order dated 20-10-2016 passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur vacating the order of status-quo which was operating in favour of the Petitioner, is taken exception to by way of the above Petition.

2 The said order of status-quo was passed in the Appeal filed by the Petitioner against the order dated 24-10-2013 passed under Section 88 of the Maharashtra Co-operative Societies Act 1960. The said Appeal along with application for condonation of delay is pending.

3 Since by order dated 18-10-2016 the order of status-quo was granted which has been vacated on 20-10-2016, in my view, it would be just and proper to continue the order of status-quo till the application for

condonation of delay is decided or even till the Appeal itself is decided by the Appellate Authority.

4 The Learned AGP on instruction states that the Appellate Authority would decide the said Appeal within three months from date. The said contingency would arise if the delay is condoned. Hence the Appellate Authority is directed to hear and decide the application for condonation of delay within 4 weeks from date and if the delay is condoned, to decide the Appeal itself within 4 weeks of the date on which the delay is condoned. Till the application for condonation of delay is decided, the order of status-quo granted vide order dated 18-10-2016 passed by the Appellate Authority would operate. In the event, the delay is condoned, the Petitioner would be at liberty to apply before the Appellate Authority for continuation of the order status-quo pending the consideration of the Appeal. If any such application for continuation of the order of status-quo is filed the same would be tried on its own merits and in accordance with law by the Appellate Authority. The Petitioner to appear before the Appellate Authority on 18-1-2017 at 11. 00 a.m. The Appellate Authority may thereafter fix the schedule as per its convenience

5 With the aforesaid directions, the Writ Petition is disposed of .

[R.M.SAVANT, J]