

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

**WRIT PETITION NO. 99 OF 2017  
WITH  
WRIT PETITION NO. 100 OF 2017**

Shri Ratnappa Kumbhar Nagar Co-operative Housing Society  
Ltd. ..Vs.. Shri Balaso Krushna Mali & Ors.

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|----------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memorandum of appearances, Court's orders or directions & Registrar's orders. | Court's or Judge's orders |
|----------------------------------------------------------------------------------------------------|---------------------------|

Mr. P. D. Dalvi for Petitioner in both Petitions.

Mr. P. D. Patel for Respondent No.1 in both Petitions.

Mr. S. D. Rayrikar, AGP for Respondent Nos. 2, 3, 6 in both Petitions.

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**CORAM : K. K. TATED, J.**

**DATE : JULY 01, 2017.**

**P.C. :**

1. Heard learned Counsel for parties.

2. The learned Counsel Mr. Patel submit that he received instructions to appear on behalf of Respondent No.1. He undertakes to file Vakalatnama on behalf of Respondent No.1 within two weeks from today. Same is accepted.

3. By Writ Petition No. 99 of 2017 under Article 227 of the Constitution of India,

Petitioner is challenging the Judgment dated 26<sup>th</sup> October, 2016 passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur in Revision Application No. 65 of 2016 on the ground that there is no provision under Section 152 of the Maharashtra Co-operative Societies Act, 1960 for filing the Revision for setting aside the audit report submitted by the Society.

4. In similar way, by the Writ Petition No. 100 of 2017 Petitioner is challenging the Judgment and order dated 26<sup>th</sup> October, 2016 passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur in Revision Application No. 293 of 2015 on the ground that there is no provision under Section 154 of the Maharashtra Co-operative Societies Act, 1960 to file Revision Application for setting aside the audit report submitted by the Society and accepted by the Authority. In support of his contention, the learned Counsel for Petitioner relies on the Judgment of this Court (Coram : R. M. Savant, J.) in the matter of *Shri Sunil Sitaram Mahajan ..Vs.. Suryakant Pandurang Badave reported in 2016 3 Mh.L.J.373.*

5. The learned Counsel for Petitioner submit that as Revision was not maintainable under Section 154 of the said Act filed by the Respondent – original Applicant the impugned Judgment be set aside.

6. At this stage, the learned Counsel appearing on behalf of Respondent – original Applicant after taking instructions from his client, who is present in Court submit that the Respondent may be permitted to withdraw the Revision Application Nos. 65 of 2016 and 293 of 2015 filed by him with liberty to take appropriate steps. To that effect he has given in writing. Same is taken on record and marked “X” for identification. Same is accepted.

7. Considering these facts, following order is passed.

#### ORDER

(A) Respondent-Original Applicant is permitted to withdraw Revision Application Nos. 65 of 2016 and 293 of 2015 filed by him under Section 154 of the Maharashtra Co-operative Societies Act, 1960 before the Joint Registrar Co-operative Societies, Kolhapur Division, Kolhapur with liberty to file appropriate proceedings, if he so desire, and according to law.

(B) In view of withdrawal of Revision Application filed by the Respondent – original Applicant, nothing is survived in both the Writ Petitions.

(C) Both the Writ Petitions are disposed off on above terms.

(D) No order as to costs.

**(K.K.TATED, J.)**