

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

**REVIEW PETITION STAMP NO.35445 OF 2016
IN
WRIT PETITION NO.11475 OF 2016**

Mr. Ghanshyam Sitaram Bidawatka

Through Constituted Attorney

Mr. Niraj Ghanshyam Bidawatka

..Review Petitioner

IN THE MATTER BETWEEN

Mr. Yogesh Bhoja Shetty & others

..Petitioners

Versus

Dy. Registrar of Co-op. Societies and another

..Respondents

Mr. Niraj Ghanshyam Bidawatka – party in person.

Shri. K. T. Bubu for the Respondents.

CORAM : R. M. SAVANT, J.

DATE : 7th APRIL, 2017

PC.

1 By the above Review Petition, review is sought of the order dated 18.11.2016 passed in the above Writ Petition. By the said order, the Writ Petition came to be disposed of in terms of the directions which are contained in the said order dated 18.11.2016. The said Writ Petition was filed challenging the order dated 28.09.2016 passed under Section 77(A) of the Maharashtra Co-operative Societies Act, 1966 (For short “the MCS Act”) appointing an Authorized Officer to manage the affairs of the housing society in question. For the reasons mentioned in the said order,

and especially having regard to the fact that the elections to the managing committee of the society were held in the year 2015 and that the disqualification of two members i.e. Chairman and Secretary was under challenge before the authorities under the MCS Act and also considering the fact that the application for nominating two women members was not considered by the authorities under the MCS Act, that this Court had deemed it appropriate to permit the remaining members of the managing committee to function subject to the restrictions imposed by the said order.

2 The Review Petition is founded on the ground that the said order passed under Section 77(A) of the MCS Act was passed at the behest of the Petitioner who is the Power of Attorney of the father Mr. Ghanshyam Sitaram Bidawatka who is a member of the society and that he was not joined as party Respondent to the above Petition and hence the order of which Review is sought has been passed without hearing the Review Petitioner. The second ground is that the said order has been passed on account of the misrepresentation made by the Learned Counsel for the Petitioners.

3 In my view, both the grounds do not appeal to me if the Petitioner was interested in opposing the above Petition, considering the

fact that he has filed various proceedings against the society he ought to have filed an application for intervention in the above Writ Petition. Having not done so, he cannot be heard to complain that he was not heard. The second ground that there was misrepresentation made by the Learned Counsel for the Petitioners also has no substance, this Court has deemed it appropriate to interfere with the impugned order for the reasons mentioned in the order dated 18.11.2016. Hence no case for review under any of the eventualities under Order 47 of the Civil Procedure Code is made out. The Review Petition is accordingly dismissed.

4 It seems that the Revision Application filed by the two members i.e. the Chairman and Secretary has been closed for orders. It is expected of the Revisionary Authority that it would pronounce its order expeditiously.

[R.M.SAVANT, J]