

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.977/2017

Jagdish N. Shetty

... Petitioner

Vs.

Ms. Alka Govind Chandewar & Ors.

... Respondents

Mr. Sandeep Y. Katakade i/b. Nirmala Gopal for the Petitioner
Ms. Alka Govind Chandewar, Respondent No.1 in person.

CORAM : K. K. TATED, J.
DATE : APRIL 17, 2017

PC.:

1. Mentioned. Not on board. At the request of learned counsel for the petitioner, the matter is taken on board for urgent orders.
2. The learned counsel for the petitioner submits that he has already served all the respondents. To that effect, he has filed an Affidavit of service dated 17.04.2017. Same is taken on record. He makes a statement that in the present proceedings the respondent No.1 is main contesting party. Hence, it is not necessary to wait for service on respondent Nos.2 to 4. The statement is accepted.
3. The respondent No.1 Alka Govind Chandewar is present in court. She submits that she wants to argue the matter in person. Same is allowed.
4. By this petition under Article 226 and 227 of the Constitution of India, the petitioner is seeking direction against respondent No.4 Joint

Registrar, Cooperative Societies to decide his appeal No.423/2016 challenging the order dated 13.10.2016 passed by the Dy. Registrar, Cooperative Societies, K Ward, Mumbai as expeditiously as possible preferably within a particular time. He also claimed that pending the hearing and final disposal of the appeal, the respondent No.1 should not create any third party right, title and interest in respect of the suit premises i.e. Shop No.19, admeasuring 200 sq.ft. situated at the ground floor of the building known as Juhu Ruturaj CHS Ltd., Juhu Road, Santacruz (W), Mumbai – 400 054.

5. The learned counsel for the petitioner submits that the petitioner has made an application for stay before the Joint Registrar which is not decided by the Authority for last more than five months. He submits that in the meanwhile, the suit shop was transferred in the name of respondent No.1. He submits that the petitioner has apprehension that respondent No.1 may create third party, right title and interest in respect of the suit premises. Hence, he made a stay application immediately for restraining the respondent No.1 from creating any third party right, title and interest in respect of the suit premises till hearing and final disposal of the appeal No.423/2016 pending before the Joint Registrar, Cooperative Societies, Mumbai.

6. The respondent No.1 party in person submits that she is not going to create any third party right, title and interest in the suit premises till hearing and final disposal of the appeal. To that effect, she made an endorsement on a farad. Same is taken on record and marked “X” for identification.

7. Considering the submissions made by the learned counsel for the petitioner and the statement given in writing by the respondent No.1 in person, I am of the opinion that the petition can be disposed off in following terms :

8. Hence, following order is passed:

- a. The Joint Registrar, Cooperative Societies, Mumbai is directed to decide the appeal No.423/2016 filed by the petitioner u/s.152 of the Maharashtra Cooperative Societies Act, 1960 against the order dated 13.10.2016 passed by the Dy. Registrar, Cooperative Societies, K-West, Mumbai as early as possible preferably within six months from the date of receipt of copy of this order.
- b. Till hearing and final disposal of the appeal No.423/2016, the respondent No.1 Ms. Alka Govind Chandewar is restrained from creating any third party right, title and interest in respect of the suit premises i.e. Shop No.19, admeasuring 200 sq.ft. situated at the ground floor of the building known as Juhu Ruturaj CHS Ltd., Juhu Road, Santacruz (W), Mumbai – 400 054.
- c. The Writ Petition stands disposed of accordingly.
- d. Parties to act on an authenticated copy of this order.

(K. K. TATED, J.)