

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION (ST) NO. 2428 OF 2018****Regina Sethi & Ors.****..... Petitioners****VERSUS****The Deputy Registrar,
C.S. K/West Ward, Mumbai & Ors.****..... Respondents**

Mr.Brijesh Shukla for the Petitioners.

Mr.S.D.Rayrikar, A.G.P. for the State - Respondent no. 1.

Mr.Tushar Gujjar, i/b. Solicislx for the Respondent nos. 2 and 3.

CORAM : R.D. DHANUKA, J.**DATE : 1st FEBRUARY, 2018****P.C.**

The papers are allowed to be produced at 03.00 p.m.

2. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 19th December, 2017 passed by the respondent no.1 holding that he has jurisdiction to entertain application under section 101 of the Maharashtra Co-operative Societies Act, 1960 filed by the respondent nos. 2 and 3.

3. Heard learned counsel appearing for the parties. I have perused the impugned order passed by the learned Deputy Registrar. Learned Deputy Registrar has only held that he has jurisdiction to entertain the application for issuance of recovery certificate filed by the respondent nos. 2 and 3. The society had passed a resolution for recovery of additional amount towards contribution of all the members for carrying

out repairs. The petitioners have admittedly not challenged the said resolution passed by the society. Since the petitioners have alleged to have committed default in making payment of the additional amount, the respondent nos. 2 and 3 have filed the application for issuance of recovery certificate under section 101 of the Maharashtra Co-operative Societies Act, 1960. I do not find any infirmity in the impugned order passed by the learned Deputy Registrar holding that he has jurisdiction to entertain an application filed under section 101 of the Maharashtra Co-operative Societies Act, 1960.

4. Insofar as dispute about the quantum is concerned, the learned Deputy Registrar can consider the amount payable by the petitioners to the respondent no.3 society in the said application filed by the petitioners on its own merits.

5. Writ petition is accordingly dismissed. No order as to costs.

[R.D. DHANUKA, J.]