

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

**WRIT PETITION NO.2192 OF 2015
along with
WRIT PETITION NO.2191 OF 2015
along with
WRIT PETITION NO.2193 OF 2015**

Sandeep Dattaram Diwadkar & Ors. .. Petitioners
Vs.
The Pen Co-operative Urban Bank Ltd. & Ors. .. Respondents
along with
WRIT PETITION NO.2265 OF 2015

Anita Sandeep Diwadkar & Ors. .. Petitioners
Vs.
The Pen Co-operative Urban Bank Ltd. & Ors. .. Respondents

Mr.Narendra V. Sharma for the petitioner.
Mr.Ratnesh Dube i/by Ms.Rutuja Ambekar for the respondent no.1.
Mr.S.D.Rayrikar, AGP for the respondent nos.2 to 4-State.

**CORAM : R.D. DHANUKA, J.
DATE : 12th March 2018**

P.C.:

. Rule. Mr.Dube, learned counsel appearing for the respondent no.1 waives service in all petitions. Learned AGP appearing for the respondent nos.2 to 4 waives service in all petitions. By consent of parties, the petitions are heard finally forthwith.

2. By these petitions filed under Article 227 of the Constitution of India, the petitioners have impugned the orders dated 8th January 2015 in all petitions passed by the respondent no.2 thereby remanding the matters back to the Assistant Registrar. It is made clear that though an issue of maintainability of the revision application was raised by the

petitioner herein before the respondent no.2, such issue was not decided by the respondent no.2.

3. I therefore pass the following order :-

- (i) The impugned orders dated 8th January 2015 in Revision Application Nos.62 of 2011, 61 of 2011, 64 of 2011 & 63 of 2011 passed in Writ Petition Nos.2192 of 2015, 2265 of 2015, 2193 of 2015 & 2191 of 2015 respectively are accordingly set aside.
- (ii) All the Revision Applications are restored to file before the respondent no.2.
- (iii) The respondent no.2 shall decide the issue of maintainability of the revision application raised by the petitioner. The contesting respondents are entitled to oppose the issue of maintainability raised by the petitioners.
- (iv) All contentions of both the parties are kept open. The respondent no.2 shall decide the matter afresh after deciding the issue of maintainability in accordance with law and without being influenced by the observations made and conclusion drawn in the impugned order dated 8th January 2015 expeditiously and not later than four months from the date of first hearing.
- (v) Both the parties are directed to appear before the respondent no.2 on 21st March 2018 at 3.00 p.m.
- (vi) Parties to act on the authenticated copy of this order.

4. Rule is made absolute in aforesaid terms. Writ petitions are accordingly disposed of. No order as to costs.

R.D. DHANUKA, J.