

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

WRIT PETITION NO. 5746 OF 2018

Sabestian Francis Almeida ... Petitioner.
V/s.
State of Maharashtra & Ors. ... Respondents.

Mr. Niranjana A. Mogare, Advocate for the Petitioner.
Mrs. Sushma S. Bhende, AGP for Respondent No.1.
Mr. Nikhil Rajani, Advocate, i/by Mr. V. Deshpande & Co. for
Respondent No. 4.
Mr. Shantanu Raktate, Advocate with Mr. A.D. Parsekar,
Advocate for Respondent Nos. 2 and 3.

CORAM : K.K. TATED & N.J. JAMADAR,JJ.

DATE : OCTOBER 23, 2018.

PC :

1 Heard learned counsel for the parties.

2 After arguing for some time, when we declined to entertain the present petition on the ground that an alternate efficacious remedy is available to the Petitioner, the Petitioner seeks permission to withdraw the petition with liberty to proceed with the Revision Application No. 85 of 2018 pending before the Divisional Joint Registrar Co-operative Societies (K.D.), Navi Mumbai, under section 154 of the Maharashtra Co-operative Societies Act, 1960, challenging the execution proceedings taken out by the SRO, under Rule 107 of

Maharashtra Co-operative Societies Rules, 1961. The learned counsel further submits that, if necessary, the Petitioner will file appropriate application to revive revision application no. 85 of 2018. Learned counsel further submits that this court by order dated 26th May, 2018 (Coram : S. J. Kathawalla & A.S. Gadkari, JJ. - vacation court.) directed the parties to maintain status-quo in respect of the suit property. He submits that the same may be continued for further period of two weeks from today.

3 Learned counsel for the petitioner has given in writing for withdrawal of the present writ petition and the same is taken on record and marked “X” for identification. The same is accepted.

4 Hence, the following order :

- i. Writ Petition stands disposed of, as withdrawn unconditionally.
- ii. Liberty is granted to the Petitioner to proceed with Revision Application No. 85 of 2018, pending before the Divisional Joint Registrar Co-operative Societies (K.D.), Navi Mumbai, under section 154 of the Maharashtra Co-operative Societies Act, 1960, which shall be decided on its own merits.

iii. Liberty is granted to the Petitioner to file appropriate application, if he so desires, for revival of revision application no. 85 of 2018, if need be.

iv. Ad-interim relief granted earlier by this court by order dated 26th May, 2018 to continue till 9th November, 2018.

v. Liberty is granted to the Petitioner, if he so desires, to take appropriate application for withdrawal of the amount deposited by the petitioner with the Registry of this Court and that may be decided on its own merits.

vi. Parties to act on a copy of this order duly authenticated by the Sheristedar of this court.

(N.J. JAMADAR, J.)

(K. K. TATED, J.)

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