

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

WRIT PETITION (ST.) NO.18532 OF 2018

Valaji Mithubhai Sangar

.. Petitioner

Vs.

Krishna Aashirwad Co-op. Housing
Society Limited & Ors.

.. Respondents

Ms.Neeta Karnik i/by Mr.Mihir Joshi for the petitioner.

Mr.Prashant Karande for the respondent no.1.

Ms.Geeta Sonawane, AGP for the respondent no.2.

CORAM : R.D. DHANUKA, J.

DATE : 7th August 2018

P.C.:

. Learned counsel for the petitioner, on instructions from the petitioner who is present in Court, states that his client undertakes to deposit 50% amount mentioned in the attachment order dated 19th June 2018 with the respondent no.1 within three weeks from today.

2. In view of the undertaking rendered by the learned counsel for the petitioner on behalf of his client, the attachment order dated 19th June 2018 annexed at Exhibit-'D' to the petition is quashed and set aside. The respondent no.3 is directed to remove the seal put up by the respondent no.3 on the said premises within one week from today. Delay in filing the revision application is condoned.

3. Ms.Karnik, learned counsel for the petitioner, on instructions, states that the said premises is lying vacant and has not been given on leave and license to any other party and undertakes not to create any third party rights or part with possession during the pendency of the

revision application before the Divisional Joint Registrar and for a period of two weeks from the date of communication of this order. Undertaking is accepted.

4. It is made clear that if the 50% amount is not deposited within three weeks from today with the respondent no.1, the order passed by this Court directing the respondent no.3 to remove the seal put up on the said premises and setting aside the order of attachment to stand vacated without further reference to the Court and the said order be implemented.

5. If the 50% amount is deposited by the petitioner within the time prescribed, the respondent no.1 to convey about such deposit to the learned Divisional Joint Registrar for hearing the said revision application on its own merit. It is made clear that the learned Divisional Joint Registrar shall not hear the revision application till the date of such communication from the respondent no.1. It is made clear that if the 50% amount is deposited by the petitioner, the petitioner is not required to deposit any further amount in terms of Section 154(2A) of the Maharashtra Co-operative Societies Act, 1960. Writ petition is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.