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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7670 OF 2013

Army Welfare Co-op. Hsg. Soc. Ltd.	...Petitioner
V/s.	
Vasant D. Gote & Ors.	...Respondents

Mr.R.V. Govilkar with Ms.Shaha N. Khan for the Petitioner.

Mr.Samir A. Vaidya with Ms.Mailaqua Mir and Mr.Kuldeep S. Khamare for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 15TH JANUARY, 2018.

P.C. :-

1. By this petition filed under Articles 226 and 227 of the Constitution of India, the petitioner has impugned the order passed by the Divisional Joint Registrar, Co-operative Society, Pune Division, Pune in Appeal No.90 of 2009 dated 23rd April, 2013 allowing the revision application filed by the erstwhile member Mr.Vasant Dattatraya Gote.

2. A perusal of the impugned order passed by the Divisional Joint Registrar indicates that no reasons are rendered by the Divisional Joint Registrar in the impugned order while allowing the Appeal No.90 of 2009 filed by the said Mr.Vasant Dattatraya Gote

under section 152 of the Maharashtra Co-operative Societies Act, 1960.

3. Learned counsel for the petitioner and the learned counsel appearing for the legal heirs of the erstwhile member Mr.Vasant Dattatraya Gote have no objection if the impugned order passed by the Divisional Joint Registrar is set aside and the matter is remanded back for consideration afresh, in accordance with law. The statement is accepted.

4. The impugned order at Exhibit "H" dated 23rd April, 2013 passed by the Divisional Joint Registrar is accordingly set aside. Appeal No.90 of 2009 is restored to file. The Divisional Joint Registrar is directed to dispose of the said appeal within two months from the date of communication of this order in accordance with law and without being influenced by the observations made in the impugned order and the conclusion drawn therein. The parties are directed to remain present before the Divisional Joint Registrar, Pune Division, Pune on 23rd January, 2018 at 11:00 a.m. The Divisional Joint Registrar shall give personal hearing to the society as well as to the legal heirs of the erstwhile members i.e. Mr.Vasant Dattatraya Gote before passing any fresh order.

5. The parties as well as the Divisional Joint Registrar to act on the authenticated copy of this order.

6. The writ petition is accordingly disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)