

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***APPELLATE CIVIL JURISDICTION*****WRIT PETITION NO. 13149 OF 2017****Dr.Amarsinh Govindrao Nimbalkar****..... Petitioner****VERSUS****The District Deputy Registrar,
Co-op. Societies, Mumbai No.(3),
Mumbai & Ors.****..... Respondents**

Dr.Abhinav Chandrachud, i/b. Mr.Pradip C.Naik for the Petitioner.

Mr.G.Y.Karangutkar, A.G.P. for the State – Respondent nos. 1, 2 and 4.

Mr.Anilkumar K. Patil for the Respondent no.5.

CORAM : R.D. DHANUKA, J.**DATE : 15th FEBRUARY, 2018****P.C.**

Dr.Chandrachud, learned counsel for the petitioner does not press reliefs in terms of prayer clauses (c) and (d) today and seeks liberty to file a separate writ petition impugning those orders described in those prayers. Statement is accepted. The petitioner is at liberty to file a separate writ petition or any other appropriate remedy to impugn the orders described in prayer clauses (c) and (d).

2. Learned counsel on instruction from the petitioner states that the petitioner would deposit 50% of the amount as per recovery certificate issued under section 101 of the Maharashtra Co-operative Societies Act with interest as on today within two weeks from today without prejudice to the rights and contentions of the petitioner with the respondent no.5 society. Statement is accepted. In view of the

statement made by the learned counsel, the impugned order passed by the respondent no.1 on 31st March,2016 is set aside. The notice dated 11th July,2017 issued by the respondent no.3 thereby attaching Flat No.26-A is also set aside. It is made clear that if the amount is not deposited within two weeks from today with the respondent no.5 society by the petitioner, order passed by this court today setting aside order dated 31st March,2016 and notice dated 11th July,2017 to stand vacated without further reference to court and those orders to stand restored.

3. If any amount is deposited within the time prescribed, the respondent no.1 shall decide the revision application filed by the petitioner on its own merits without being influenced by the order dated 31st March,2016 and in accordance with law.

4. The respondent no.5 shall furnish a copy of the bye-laws of the society to the petitioner within one week from today. The petitioner can rely upon the said bye-laws for the purpose of defending his claims in the ongoing proceedings before the respondent no.1.

5. The respondent no.1 shall pass a fresh order within four months from the date of commencement of hearing.

6. The petitioner is directed to appear before the respondent no.1 dated 8th March,2018 at 03.00 p.m.

7. The parties as well as learned Prothonotary and Senior Master to

act on the authenticated copy of this order.

8. Writ petition is disposed of in the aforesaid terms. No order as to costs.

9. All contentions of both the parties are kept open.

[R.D. DHANUKA, J.]