

NSC.

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

CIVIL WRIT PETITION NO.10986 OF 2018

Rashmi Ashok Joshi and Anr.

...Petitioners

Versus

Natraj Co-operative Housing Society Limited and Ors. ...Respondents

Mr.Dilip Bodake, for the Petitioner.

Mr.Madhur Rai, I/b PRS Legal, for the Respondent Nos.3 to 10, 12 and 13.

Mr.P.J.Gavhane, A.G.P for the Respondent Nos. 14 and 15.

CORAM : REVATI MOHITE DERE, J.

DATE : 1st OCTOBER, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this petition, the Petitioners have impugned the order dated 31st July, 2018, passed by the learned Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai, below Application for Stay filed in Revision Application No.40 of 2018.
3. Learned Counsel for the Petitioners submits that the

Petitioners were not heard and that the stay granted by the learned Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai, was an ex-parte stay i.e. without hearing the Advocate for the Petitioners.

4. Learned Counsel for the Respondent Nos.3 to 10, 12 and 13 opposes the Petition. He submitted that no interference is called for in the impugned order. He submitted that when the order was passed, one of the Advocate for the Petitioner was present. He submitted that it is always open for the Petitioners to argue the Revision Application, which is pending before the learned Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai, on merits.

5. Perused the impugned order dated 31st July, 2018, passed by the learned Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai, It appears that none appeared for one petitioner and one junior Advocate appearing for the other petitioners, sought time. It is not in dispute, that the Petitioners were not heard when stay was granted by the learned Divisional Joint Registrar, Co-operative Societies,

Konkan Division, Navi Mumbai, vide order dated 31st July, 2018. However, it is always open for the Petitioners to raise all their contentions before the learned Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai, in the Revision Application being Revision Application No.40 of 2018, which is still pending.

6. Considering the aforesaid, no interference is warranted in the impugned order. However, the parties to maintain status-quo, till the main Application being Revision Application No.40 of 2018, is decided.

7. It is informed that the learned Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai, has kept the main Application being Revision Application No.40 of 2018, for hearing on 29th October, 2018.

8. Both, the learned counsel for the Petitioners and the Respondents assure to co-operate with the learned Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai, in the expeditious disposal of the Revision Application No.40 of 2018 and state

that they will not seek un-necessary adjournment, and assure to remain present on all the dates given by the learned Divisional Joint Registrar. All contentions of all the parties are kept open.

9. The learned Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai, to decide the Revision Application, as expeditiously as possible and in any event on or before 30th November, 2018.

10. The Petition is accordingly disposed of on the aforesaid terms.

11. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)