

Anand

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

WRIT PETITION (ST) NO. 27515 OF 2018

Sanjay Shankar Kulkarni

.Petitioner

Vs.

The State of Maharashtra through
the Divisional Joint Registrar of Co-operative
Societies, Pune & ors.

.Respondents

Mr. Abhineet N. P., Advocate, for the Petitioner
Mr. A. A. Patil, AGP, for the Respondent Nos. 1 & 2 – State
Mr. A. L. Gholkar, Joint Registrar, Pune present

CORAM : REVATI MOHITE DERE, J.

DATE : 11.10.2018

P.C.

. Heard learned counsel for the parties.

2. The only grievance of the Petitioner is that the Divisional Joint Registrar, Co-operative Society, Pune dismissed the Petitioner's Revision Application No. 200 of 2015 for want of prosecution and not on merits. He submits that the Petitioner had filed written submissions on 21.06.2017 before the Divisional Joint Registrar, Co-operative Society, Pune and as such, it was always open for the Divisional Joint Registrar, Co-operative

Society, Pune to consider the same instead of dismissing the Petitioner's Revision Application for want of prosecution.

3. Considering the aforesaid submissions made by the learned counsel for the Petitioner, the learned AGP was directed to take instructions as to whether the Authority i. e. the Divisional Joint Registrar, Co-operative Society, Pune was ready to hear the Petitioner on merits. Learned AGP on instructions from Mr. Gholkar, Joint Registrar, Pune makes a statement that the Divisional Joint Registrar, Co-operative Society, Pune is ready to hear the Petitioner's Revision Application on merits.

4. Considering the aforesaid, without going into the merits and de-merits of the aforesaid Petition, the impugned order dated 06.04.2018 passed by the Divisional Joint Registrar, Co-operative Society, Pune in Revision Application No. 200 of 2015, dismissing the said Revision Application for want of prosecution, is quashed & set aside. The Petitioner's Revision Application is restored back to its original file. The Divisional Joint Registrar, Co-operative Society, Pune to hear the parties and decide the said

Revision Application expeditiously. Learned counsel for the Petitioner states that the Petitioner will appear before the Divisional Joint Registrar, Co-operative Society, Pune on 22.10.2018 at 3.00 p. m. after which the Divisional Joint Registrar will give dates convenient to him. Statement accepted. The Divisional Joint Registrar, Co-operative Society, Pune to pass appropriate orders in accordance with law, after hearing the parties. All contentions of the parties are expressly kept open.

5. The Petition is disposed off in the aforesaid terms.

6. As the immovable property of the Petitioner was to be attached, pursuant to the dismissal of the Petitioner's Revision Application by the Divisional Joint Registrar, this Court vide Order dated 26.09.2018 stayed the execution and implementation of the Recovery Certificate dated 08.04.2015 passed in Application No. 25 of 2013. Considering that the order of the Divisional Joint Registrar, Co-operative Society, Pune dated 06.04.2018 has been quashed & set aside, there shall be stay to the execution and implementation of the Recovery Certificate till the Petitioner's

Revision Application is finally decided. It is made clear, that interim protection granted by this Court shall not be construed as an expression / opinion on the merits / de-merits of the case.

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

(REVATI MOHITE DERE, J.)