

Anand

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

WRIT PETITION NO. 12737 OF 2018

Kesar Gangji Bhanushali

.Petitioner

Vs.

The Divisional Joint Registrar, Co-operative
Societies, Mumbai & ors.

.Respondents

Mr. V. H. Narvekar, Advocate, for the Petitioner

Mr. S. D. Rayarikar, AGP, for the Respondent Nos. 1 & 5 – State

Ms Asha Bhuta, Advocate, for the Respondent Nos. 2 & 3

CORAM : REVATI MOHITE DERE, J.

DATE : 01.11.2018

P.C.

. Heard learned counsel for the parties.

2. Learned counsel for the Petitioner submits that the Divisional Joint Registrar had granted status-quo on 25.06.2018 pending the Revision Application filed by the Petitioner before the said Authority. He submits that on 16.10.2018, the Respondent No. 3 i. e. The National Co-operative Bank Ltd. had come to take physical possession of the said premises and served a notice of attachment dated 10.10.2018. Learned counsel for the Petitioner

submits that till date, the Petitioner has not received a copy of the order, by which his interim Application for stay was rejected. He submits that even otherwise, the Revision Application is pending before the Divisional Joint Registrar and as such, the attachment notice be stayed pending the said Revision Application.

3. Learned counsel for the Respondent Nos. 2 & 3 on instructions makes a statement that they will not take any coercive steps qua the Petitioner's property till the Revision Application filed by the Petitioner is decided by the Divisional Joint Registrar, Mumbai. She, however, requests that the hearing of the Revision Application be expedited. Accordingly, the following order is passed :-

O R D E R

(i) The Respondent Nos. 2 & 3 shall not take any coercive steps till the Petitioner's Revision Application is decided by the Divisional Joint Registrar, Mumbai;

(ii) The hearing of the Revision Application pending

before the Divisional Joint Registrar, Mumbai is expedited;

(iii) The Divisional Joint Registrar shall decide the Revision Application as expeditiously as possible and in any event, within two months from the date of receipt of this order;

(iv) The Divisional Joint Registrar shall decide the Revision Application on its own merits uninfluenced by the interim protection granted by this Court;

(v) It is made clear, that this Court has not considered the Petition on merits. All contentions of all parties are kept open.

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

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

(REVATI MOHITE DERE, J.)