

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 13598 OF 2018

Tilak Nagar Anand Co-operative Housing
Society Ltd., and others

...Petitioners

Versus

State Of Maharashtra
and another

...Respondents

....

Mr. Saikumar Ramamurthy, Advocate for the Petitioners.

Mr. S.D. Rayrikar, A.G.P., for Respondents-State.

....

CORAM : R. G. KETKAR, J.

DATE : 18th DECEMBER, 2018

P.C.

1. Not on board. At the request of Mr.Ramamurthy taken up in the production board.
2. Heard Mr.Saikumar Ramamurthy, learned counsel for the petitioners and Mr.S.D. Rayrikar, learned A.G.P. for the respondents-State, at length.
3. Mr.Rayrikar raised preliminary objection about the maintainability of the petition on the ground that the petitioners have equally efficacious alternate statutory remedy of filing appeal under Section 152 of the Maharashtra Co-operative Societies Act,1960 (for short, 'Act') before the Divisional Joint Registrar of Co-operative Societies.
4. In view thereof, Mr.Ramamurthy seeks permission to withdraw the Petition with liberty to file the substantive appeal before the Divisional

Joint Registrar. He submits that within two weeks from today, the petitioners will file appeal and that as the petitioners are prosecuting this petition bonafide, the time spent by them in prosecuting this Petition from 19.11.2018 till today i.e. 18.12.2018 may be excluded while considering the issue of limitation.

5. In view thereof, on the motion made by Mr.Ramamurthy, the Petition is allowed to be withdrawn with liberty as prayed for and is disposed of as such. As the petitioners were prosecuting this Petition bonafide, the time spent by them in prosecuting this Petition from 19.11.2018 till today i.e. 18.12.2018 shall be excluded while considering the issue of limitation, if the appeal is filed within two weeks from today. It is made clear that I have not examined the merits of the case. All contentions of the parties on merits are expressly kept open. In case, the petitioners institute appeal within two weeks from today, the Divisional Joint Registrar of Co-operative Societies is requested to dispose of the appeal as expeditiously as possible and not later than four weeks from completion of the service on the respondents. All concerned parties, including the Divisional Joint Registrar, to act upon an authenticated copy of this order. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)