

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.1064 OF 2018
WRIT PETITION (L) NO.1113 OF 2018**

Dr. Kavita Kapoor ... Petitioner
Versus
State of Maharashtra And Others ... Respondents

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Mr. K.P. Anilkumar for the Petitioner.
Mr. A.L. Patki, Additional Government Pleader for Respondent No.1-State.
Mr. H.T. Pawar for Respondent No.3.

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CORAM : S.C.GUPTE, J.

DATE : 10 APRIL 2018

P.C. :

. Rule.

2 Rule is taken up for hearing forthwith by consent of the parties.

3 The petition challenges an order passed by the Assistant Registrar of Co-operative Societies, under Section 23(2) of the Maharashtra Co-operative Societies Act 1960 ("Act"). By the impugned order, the Assistant Registrar rejected the Petitioner's application under Section 23 of the Act. This application was for admitting one Satish Chadha, the brother of the Petitioner herein, as a member of Respondent No.3-society. Admittedly, the predecessor of the Petitioner, one Dr. Saligram Chadha, was a member of the society. Dr. Saligram died. Letters of Administration have been obtained by the Petitioner in respect of representation to the estate of the

deceased. It is her case that accordingly she should be made a member of the society upon transfer of membership from her father late Dr. Saligram to her. Learned Counsel for Respondent No.3-society produces a certificate of shares originally standing in the name of Dr. Saligram. It is apparent from the memorandum of transfers at the back of the share certificate that by a resolution passed in a General Body Meeting, the shares are transferred to the name of the Petitioner. Since the main prayer in the present petition has already been considered and acted upon by Respondent No.3-society, there is no further relief to be granted in this petition insofar as the main prayer is concerned. As for the other relief sought by the Petitioner, namely, granting of a parking space to her, learned Counsel for Respondent No.3-society states that subject to availability, the Petitioner will be allotted a parking space. The statement is accepted.

4 The impugned order of Respondent No.2 is quashed and set aside and the society's action for transfer of share certificate in the Petitioner's name is noted as above. The petition is disposed of.

5 The original share certificate with endorsement of transfer is handed over across the Bar by learned Counsel for Respondent No.3-society to the Petitioner's Counsel and accepted by the latter on behalf of his client.

(S.C. GUPTE, J.)