

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

WRIT PETITION NO.2426/2018

Robert C. Fernandes

... Petitioner

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. K. H. Halai with Yash Jain and P. Ranjan I/b. Halai & Co. for the
Petitioner

Mr. N. S. Tare for Respondent No.4.

Ms. Uma Palsuledesai, AGP for Respondent Nos.1 to 3.

Ms. Sudha D. Nayak, Chairman of Respondent No.4 Society.

**CORAM: K.K. TATED &
S. K. SHINDE, JJ.**

DATED : AUGUST 27, 2018

P.C. :

1 Heard. By this petition under Article 226 of the Constitution of India the Petitioner challenges the order dated 11.06.2018 passed by the District Dy. Registrar, Cooperative Societies u/s.154 of the Maharashtra Cooperative Societies Act, 1960 (said Act) rejecting the Petitioner's revision for non compliance of its order i.e. 50% deposit.

2 The learned counsel for the Petitioner submits that as on today they have already paid 50% amount of the recovery certificate u/s.101 of the said Act to the Respondent No.4 society. The learned counsel for the Respondent No.4 concedes this fact.

3 Both the counsel filed consent minutes of order dated 27.08.2018, which read thus:

“1. The Petitioner has filed the present writ to set aside order dated 11.06.2018 passed by the Hon'ble District Deputy Registrar (3) K-East Ward.

2. The Petitioner has deposited 50% of the decretal amount as per the Recovery Certificate dated 09.01.2017 as admitted by the Respondent.

3. The impugned order dated 11.06.2018 is set aside and the District Deputy Registrar (3) K-East Ward be directed to hear the revision on merits. All contention of the parties should be kept open.

4. Cost of Rs.5000/- is agreed to be paid to the Respondent No.4 by the Petitioner, the same has been paid.”

4 The learned counsel for the Respondent Society submits that Ms.Sudha D. Naya, Chairman of the society is present in court. She also admits the contents of the consent minutes of order. Same are taken on record and marked “X” for identification.

5 The Writ Petition stands disposed of in terms of the consent minutes of order.

6 Ms.Sudha D. Naya, Chairman of the society - Respondent No.4 submits that she has received a sum of Rs.5000/- towards costs.

7 The Dy. Registrar, Cooperative Societies is directed to decide the Petitioner's Revision Application on merits.

8 All contention of the parties are kept open.

(S. K. SHINDE, J.)

(K. K. TATED, J.)