

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

WRIT PETITION NO. 1655 OF 2018

Smita Arun Phadke

...Petitioner.

VS.

Asstt. Registrar of Co-op. Societies and anr. ..Respondents.

Mr. S.A.Joshi for the Petitioner.

Ms. M.S. Srivastav, AGP for State.

CORAM : C.V. BHADANG, J.

DATED : 9TH DECEMBER, 2019

P.C.:-

1. Mr. Sagar Joshi, the learned counsel for the petitioner on instructions seeks leave to withdraw the petition as the petitioner intends to take recourse to the alternate remedy, before the competent authority under the Co-operative Societies Act. He submits that there is interim order operating in this petition which may be continued for some period in order to enable the petitioner to avail the alternate remedy.

2. I have also heard the learned counsel for the 1st respondent. None appears for 2nd respondent.

3. The record discloses that there is ad interim relief operating as per the order dated 21.2.2018. In such circumstances, the petition is disposed off as withdrawn. It is made clear that this

court has not expressed any opinion on the merits of the remedy if any available to the petitioner under the Co-op. Societies Act. If the petitioner chooses to avail any such remedy the Appellate/Revisional authority shall have due regard to the provisions of Section 5 read with Section 14 of the Limitation Act.

4. Ad interim relief already operating to continue for a period of two weeks from today.
5. Rival contentions of the parties are left open.
6. In the circumstances there shall be no order as to costs.

(C.V. BHADANG, J.)