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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 2450 OF 2019

Mrs. Rashmi Ashok Joshi & Anr. ... Petitioners
Vs.
Natraj Co-Operative Housing Society
Ltd. & Ors. ... Respondents

Mr. Dilip Bodake, for the Petitioners.
Mrs. S. S. Bhende, AGP for Respondent Nos. 14 to 18.
Mr. Vagish Mishra i/b Troy Legal, for Respondent No. 13.

**CORAM : INDRAJIT MAHANTY, &
A. M. BADAR, JJ.**

DATE : APRIL 2, 2019

PC :

1. Heard the learned counsel appearing for the respective parties. This writ petition came to be filed by the Petitioner on the main prayer, as noted in the prayer clause 30(b)(ii). In terms of the said prayer, the Petitioners have sought a declaration that the District Dy. Registrar, Co-operative Societies, Thane (in-charge of Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai) is not competent to hear and decide the Revision Application No. 40 of 2018 and other companion Revision Application No. 42 of 2018 and Appeal No. 8 of 2018. The learned counsel for the Petitioners submits that during pendency of the

writ petition, Revision Application No. 40 of 2018 came to be dismissed. The learned counsel appearing for Respondent Nos. 4 to 13, who were the applicants in Revision Application No. 42 of 2018 as well as appellants in Appeal No. 8 of 2018 brought to our notice the fact that an ordinance has been passed on 9th March, 2018, and drew our attention of Clauses 7 and 8 of the Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2019, which is quoted as under:

“7. In section 152 of the principal Act, in sub-section (1), in clause (a), after the words “approved by the Registrar” the words “or the Special Registrar” shall be inserted.

8. In section 154 of the principal Act, in sub-section (2), after the words “passed by the Registrar or an administrator” the words “or committee of administrators” shall be inserted.”

2. In view of the aforesaid amendment, the learned counsel for Respondent Nos. 4 to 13 submits that he has been instructed in respect of Revision Application No. 42 of 2018 and Appeal No. 8 of 2018 to take appropriate steps in accordance with the ordinance.

3. The issue raised by the Petitioners insofar as competency of the District Deputy Registrar, Co-operative Societies Thane (in-charge of Divisional Joint Registrar, Co-operative Societies, Kokan Division, Navi Mumbai) has been covered,

inasmuch as the revision application filed by the revisional applicants has now been dismissed. Consequently, nothing remains for consideration in this writ petition. It is made clear that no observations made hereinabove shall have bearing in any other proceedings on the issue of competency. Accordingly, the Respondent Nos. 4 to 13 are at liberty to take out an appropriate proceedings, as may be advised and permissible in law. The writ petition is accordingly disposed of in the aforesaid terms.

4. Needless to state that ad-interim relief granted on 1st March, 2018 directing not to pass final orders in Revision Application No. 42 of 2018 and Appeal No. 8 of 2018 till further orders, stands vacated.

Sd/-
[A. M. BADAR, J.]

Sd/-
[INDRAJIT MAHANTY, J.]

Vinayak Halemath