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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2311 OF 2019

Mulchand Shah] ..Petitioner.

v.

The Deputy Registrar, Co-operative Society & Ors.] ..Respondents.

Mr.U.V.Singh, for the Petitioner.

Ms.S.S.Bhende, AGP for State/Respondent No.1.

Mr.Abhishek S. Mishra i/by Mr.Bhavin R. Bhatia, for Respondent No.2

Mr.Vishal Kanade i/by Mr.Mohan Jadhav for Respondent No.3.

**CORAM : INDRAJIT MAHANTY &
SARANG V. KOTWAL, JJ.**

DATE : 5th MARCH, 2019.

P.C.

1] Heard learned counsel for the respective parties. This Writ Petition has been filed seeking mandamus directing Respondent No.2 to grant inspection of proceedings and also to direct Respondent No.1 to hear the Petitioner before passing final order on Recovery Application No.86 of 2018 pending before Respondent No.1. In support of the prayer, learned counsel for the Petitioner asserted that the Recovery Application No.86 of 2018 had been heard and had been closed without offering the Petitioner with any opportunity to advance oral submissions or inspecting various documents required by him.

2] On the last occasion, we had called upon learned AGP to obtain instructions regarding actual set of facts and as to whether any final orders have been passed on the said recovery proceedings.

3] Learned AGP submits on instructions that the Recovery Application No.86 of 2018 has not been disposed off and next date fixed for hearing by the concerned Authority is 14th March, 2019.

4] Learned counsel for Respondent No.3 also submits that his client is ready to abide by any directions that may be passed in the Recovery Application.

5] In this view of matter, learned counsel for the Petitioner seeks liberty to withdraw the Petition with liberty to raise all such contentions before the Recovery Officer including inspection of record, which may be necessary for granting effective hearing to both the parties, in terms of the instructions of the Petitioner, as referred hereinabove. Liberty granted to withdraw the Petition with further liberty to raise all such contentions and to seek inspection of record as may become necessary. The Competent Authority shall offer adequate opportunity to all the parties to contest their case before proceeding with the matter, and shall conclude the matter in accordance with law at an early date.

With the aforesaid observations and directions, Writ Petition No.2311 of 2019 stands disposed off.

(SARANG V. KOTWAL, J)

(INDRAJIT MAHANTY, J)