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D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5025 OF 2019**

Mr. Kantilal Mistry & Others Petitioners.

V/s

Deputy/Assistant Registrar and Others Respondents.

**ALONGWITH
CIVIL APPLICATION NO.1085 OF 2019
IN
WRIT PETITION NO.5025 OF 2019**

Mr. Kantilal Mistry & Others Applicants.

In the matter between

Mr. Kantilal Mistry & Others Petitioners

V/s

Deputy/Assistant Registrar and Others Respondents.

**ALONGWITH
CIVIL APPLICATION NO.1086 OF 2019
IN
WRIT PETITION NO.5025 OF 2019**

Mr. Kantilal Mistry & Others Applicants.

In the matter between

Mr. Kantilal Mistry & Others Petitioners

V/s

Deputy/Assistant Registrar and Others Respondents.

Mr. Suresh M. Sabrad for the Petitioners and for the Applicants in Civil Applications.

Mr. V.S. Kapse i/b Sohil Gulabani for Respondent No.2.

Mr. Rahul S. Kate for Respondent No.3.

Mr. S.H. Kankal, AGP for Respondent Nos. 1, 4 and 6.

CORAM: NITIN W. SAMBRE, J.

DATE: 23rd July, 2019

P.C.:-

1] This Petition can be conveniently disposed of with the following order by consent of parties.

2] Petitioners suffered an order of disqualification under Section 75 of the Maharashtra Co-operative Societies Act, against which a Revision is pending before the Registrar in which prayer for interim relief is rejected. This Court on 16/04/2019 granted interim relief, which was further qualified on 02/05/2019 against the Petitioners that they shall not take any policy decision in the matter.

3] After having heard the matter for sometime, the learned

Counsel for Respondents, on instructions, submits that Petition can be disposed of with directions to the Registrar to decide Revision of the Petitioners expeditiously and the interim order can be continued till then with a rider of not taking any policy decision till the decision of the Revision.

4] In view of above, Petition stands disposed of. The order impugned passed by the Divisional Joint Registrar, Co-operative Societies on 25/03/2019 refusing to grant stay to the order of disqualification is hereby quashed and set aside. There shall be stay to the order of disqualification till Revision preferred by the Petitioners is decided by the said authority. However, Petitioner shall not take any policy decision till the decision of the Revision.

5] Parties are in agreement that they shall co-operate with the Revisional Authority for expeditious disposal of the Revision Application. The Revision Application No.135 of 2019 be decided expeditiously and, in any case, within a period of three months from the date of service of the present order on the said authority.

6] Needless to clarify that contention of the Respondents that after an order of disqualification is passed, fresh elections are held, is not looked into by this Court as it is open for the respective parties to canvass the same before the competent authority including that of in the Revision.

7] Petition stands partly allowed in the above terms.

8] In view of disposal of the Petition, Civil Applications taken out therein do not survive and the same are also disposed of.

(NITIN W. SAMBRE, J.)