

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5678 OF 2019

Anil Shamsher Singh	... Petitioner
Vs.	
1. The Divisional Joint Registrar Cooperative Societies, Mumbai Division and Ors.	... Respondents

Mr. Arshil Shah for the petitioner.
Mr. S.D. Rayrikar, AGP for respondent nos. 1 and 2.
Mr. Sagar G. Talekar, for respondent nos. 5 to 12.

CORAM : NITIN W. SAMBRE, J.

DATE : 7th June, 2019.

P.C. :

After having heard respective Counsels for some time, what is noticed is that order u/sec. 75 of Maharashtra Cooperative Housing Societies Act, in view of default committed by the respondent in holding the General Body Meeting was challenged before the Divisional Joint Registrar. The Divisional Joint Registrar while hearing the application for stay has remanded the matter back by deciding the appeal on merits without any notice to that effect.

2. Once the matter was fixed for decision on the stay

application, there was no judicial priority in deciding the appeal on merit that to without hearing the parties on the same.

3. As such, the order impugned is passed in violation of principle of natural justice and that being so, the order impugned dated 15/04/2019 is hereby quashed and set aside.

4. The parties here to agree that they shall appear before the Divisional Joint Registrar, Mumbai Division, Mumbai on 24/06/2019 at 11-00 am. As such, the fresh notices to the parties is dispensed with. The Divisional Joint Registrar shall hear the petitioner and respondents on the issue raised in the Appeal on merit and shall pass an appropriate order.

5. With above observations, the petition shall disposed of.

6. This Court expects that the Divisional Joint Registrar to decide the Appeal expeditiously and within three months from the date of appearance.

(N. W. SAMBRE, J.)