

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

WRIT PETITION NO.5807 OF 2012

Ramesh T. Hingorani

...Petitioner

vs.

Deputy Registrar of C.S.K. / West
Ward and Ors.

...Respondents

....

- Mr. G. N. Salunke, Advocate for Petitioner.
- Mr. S. D. Rayrikar, AGP for Respondent Nos.1 & 2.
- Mr. Kunal Bhanage, Advocate for Respondent No.3.

**CORAM : C. V. BHADANG, J.
DATE : 18th DECEMBER, 2019**

P.C. :

1. The challenge in this petition is to the order dated 19/9/2011 passed by the Divisional Joint Registrar, Co-Operative Societies, Mumbai by which the Revisional Authority has allowed the Revision Application No.329/2008, thereby setting aside the judgment and order dated 22/7/2008 passed by the learned Deputy Registrar of Co-Operative Society. The learned Dy. Registrar by his order dated 22/7/2008 had declared the petitioner to be entitled to be admitted as a member of the fourth respondent society.

2. On hearing learned counsel for the parties, it appears that the dispute is whether the share certificate in respect of entire flat can be transferred in favour of the petitioner,

when the petitioner had only purchased a portion of the said flat.

3. The parties have now produced Consent Terms on record which are marked 'X' for identification. The signatories to the Consent Terms are present before the Court and they admit the correctness of the contents thereof.

4. It appears that it was the respondent No.3 who had taken objection to the petitioner being admitted to the membership of the fourth respondent society. Learned counsel for the parties point out that before the Dy. Registrar, the society had not raised any objection for petitioner being admitted as a member of the fourth respondent society. Be that as it may, now the petitioner and his daughter have agreed to purchase remaining portion of the flat. The third respondent states that he has no objection if the petitioner is admitted as a member of the fourth respondent.

5. In that view of the matter and based on the Consent Terms, the petition is disposed of in the following terms.

ORDER

1. The Petition is allowed.
2. The impugned order dated 19/9/2011 passed by the Divisional Joint Registrar, Co-Operative Societies, Mumbai Division, Mumbai, is hereby quashed and set

aside.

3. Consequently, the order dated 22/7/2008 passed by the Dy. Registrar, 'K West' Ward is restored.

4. The parties agree and undertake to abide by the terms and conditions as mentioned in the Consent Terms.

5. It will be open to the Petitioner and the third respondent to make an application to the society as mentioned in para 5 of the Consent Terms. If such application is made, the society shall decide the same as expeditiously as possible and in accordance with law.

6. The Writ Petition is disposed of in the aforesaid terms with no order as to cost.

(C. V. BHADANG, J.)