

BDP-SPS

Bharat
D. Pandit

Digitally signed by
Bharat D. Pandit
Date: 2019.08.01
11:49:49 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8138 OF 2019**

Mr. Dilip Madhukar Kore
and Anr.

.... Petitioners.

V/s

Prashant Prabhakar Mulay
and Others

..... Respondents.

Mr. Ajit S. Karwande for the Petitioners.
Mr. Vilas B. Tapkir for Respondent.
Mr. R.P. Kadam, AGP for Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: 29th July, 2019

P.C.:-

1] Heard.

2] While questioning the order impugned which is passed by the Minister, vacating the stay granted by the first Appellate Authority, the first submission is, contrary to the provisions of Section 17 of the Maharashtra Co-operative Societies Act, the order impugned came to be passed.

3] According to the learned Counsel for the Petitioners, the Petitioners are members of the same Co-operative Housing Society viz. Padmachhaya Sahakari Griha Rachana Sanstha Mydt and in the absence of bifurcation of assets and liabilities, including that of the title in the property, stay ought not to have been vacated.

4] If the submissions are tested in the light of the order of the District Deputy Registrar passed on 18/04/2019 in exercise of powers under Section 17, bifurcation of the assets can be inferred. As far as appeal which is pending before the Divisional Joint Registrar is concerned, I am informed that the pleadings are also complete and the same is posted for final disposal. Expecting that the appeal preferred will be decided expeditiously, in my opinion, no case for interference is made out. Petition fails and the same is dismissed.

(NITIN W. SAMBRE, J.)