

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9758 OF 2019

Atul Dnyaneshwar Kharade	.. Petitioner
Vs.	
Adarsha Nagari Sahakari Patsanstha Ltd and ors.	.. Respondents

Mr.Manoj Patil, for the Petitioner.
Mr.S.S.Panchpor, for the Respondent No.1.
Mr.S.H.Kankal, AGP for Respondent No.4.

CORAM : M.S.KARNIK, J.

DATE :19th SEPTEMBER 2019

PC. :

. Heard learned Counsel for the petitioner.

2. Against the impugned order, there is an alternate statutory remedy of revision available. On earlier two occasions, this Court had set aside the order passed by the Assistant Registrar, Co-operative Societies and directed a fresh hearing. By the order dated 07/03/2019 this Court has lastly directed the Assistant Registrar, Co-operative Societies to decide the

proceedings within a period of 8 weeks. Learned Counsel for the petitioner submits that though he was present on 21/05/2019, the matter was adjourned to 22/05/2019 for enabling the Society to file written submissions. The petitioner could not remain present on 22/05/2019 due to some personal difficulty. It is his submission that on this date, the claim affidavit was filed on behalf of the respondent – Society which was never served on the petitioner. According to him, same was served to him only on 24/05/2019. Therefore, he prays for setting aside the order passed by the Assistant Registrar, Co-operative Societies as the same is in breach of the provisions of the Maharashtra Co-operative Societies Act, 1960. He would further submit that the procedure followed by Assistant Registrar is contrary to the said Rules.

3. Be that as it may, the petitioner has an alternate efficacious remedy of filing revision. At this stage after the order has been passed by this Court on 07/03/2019 directing the Assistant Registrar to decide the application within 8 weeks, and

if the application is already decided, I am not inclined to interfere with the impugned order. Keeping all the contentions of the petitioner open, liberty is granted to the petitioner to file revision. Writ Petition is dismissed. To enable petitioner to file a Revision, the order passed by the Assistant Registrar, Co-operative Societies not to be enforced for a period of two weeks from today.

(M.S.KARNIK, J.)