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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10706 OF 2013

Prathamesh CHS Ltd. & Anr. ..Petitioners.

V/s.

M/s. S.J.Enterprises & Ors. ..Respondents.

Mr.Sudhir Sadavarte for the petitioners.

Mr.Piyush M.Shah with Geetika Rajpal I/b. M/S.S.T.Enterprises for respondent No.1.

Mr.R.P.Kadam, AGP for respondent Nos.2 to 5.

CORAM: NITIN W.SAMBRE, J.

DATE : JULY 9, 2019

P.C.:-

Heard respective counsel.

2. In the dispute between the petitioners and respondents, the Registrar, Co-operative Society vide order dated April 15, 2013 was pleased to order grant of registration to the Co-operative Housing Society in favour of the petitioners which order came to be set aside in an appeal under section 152 of the Maharashtra Co-operative Societies Act ('the Act' for short) vide order dated August 7, 2013. As such, this petition.

3. Having heard the respective parties for some time, the

petitioner and respondent No.1-Developer, who was the appellant before the Divisional Joint Registrar in the appeal wherein the order of registration was questioned, consented for setting aside the order impugned dated August 7, 2013 passed by the Divisional Joint Registrar, Co-operative Society, Mumbai in Appeal No.128/2013.

4. In view of above consent extended and on instructions from the respective counsel, the petition stands allowed.

5. The impugned order dated August 7, 2013 passed by the Divisional Joint Registrar, Co-operative Society, Mumbai in Appeal No.128/2013 is hereby quashed and set aside. The Divisional Joint Registrar, Co-operative Society, Mumbai is directed to hear and decide the appeal preferred by respondent No.1 afresh after giving opportunity of hearing to the respective parties.

6. Since the matter is pending for last more than five years on the issue of registration of a Co-operative Housing Society, the Divisional Joint Registrar, Co-operative Society, Mumba (Appellate Authority) is directed to decide Appeal No.128/2013 within a period of six months from the date of appearance of the parties.

7. The petition stands disposed of in aforesaid terms.

(NITIN W.SAMBRE, J.)