

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

WRIT PETITION NO.11173 OF 2019

Mohan Raghunath Kelkar and ors. ... Petitioners

V/s.

The State of Maharashtra and ors. ... Respondents

Mr.Harshad A. Sathe for the Petitioners.

Mr.A.B.Kadam, AGP for Respondent Nos.1 and 3.

CORAM : UJJAL BHUYAN, J.

DATE : OCTOBER 22, 2019.

P.C.:-

1. Heard Mr.Harshad A. Sathe, learned counsel for the petitioners and Mr.A.B.Kadam, learned AGP who waives notice for respondent Nos.1 and 3.
2. Considering the limited grievance expressed by the petitioners and the order that is proposed to be passed, court is of the view that issuance of formal notice is not necessary as the case can be disposed of at this stage itself.
3. Case of the petitioners as is discernible from the pleadings is that respondent No.2 had filed an application

before respondent No.3 under Section 48(3) of the Maharashtra Co-operative Societies Act, 1960 seeking permission to file criminal complaint against the petitioners. By order dated 3rd July, 2019, respondent No. 3 allowed the application filed by respondent No.2 and granted permission to respondent No.2 to file criminal complaint against the petitioners.

4. Aggrieved by the aforesaid, petitioners preferred an appeal before respondent No.1. The appeal was filed on 28th August, 2019, but the same is yet to be registered.

5. It may be mentioned that petitioners have also filed an application for stay alongwith the appeal, but the same has also not been registered.

6. Grievance of the petitioners is that while the appeal preferred by them is yet to be registered, respondent No.2 may proceed with filing of criminal complaint against them, thereby jeopardizing their rights and interest. Aggrieved, present petition has been filed.

7. After hearing learned counsel for the parties and on due consideration, court is of the view that it would

meet the ends of justice if respondent No.1 is directed to decide the appeal filed by the petitioners expeditiously and till such time appeal is decided, to keep in abeyance the order dated 3rd July, 2019.

8. Accordingly and in the light of the above, respondent No.1 is directed to take on board the appeal filed by the petitioners on 28th August, 2019 and decide the same in accordance with law within a period of three months from today. During this period of three months the order dated 3rd July, 2019 shall be kept in abeyance.

9. Accordingly, writ petition is disposed of.

(UJJAL BHUYAN, J.)

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