

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

WRIT PETITION NO. 11565 OF 2013

Gopalkrishna Co-operative Society Ltd. ..Petitioner

v/s.

Mr. Satyakumar Govind Mohite & Ors. ..Respondents

Mr. Amol Deshpande for the Petitioner.

Mr. Amogh Singh a/w. Reshma Chitnis Potdar for the Respondent
i/b. Chitnis Vaity & Co.for the Respondent Nos.1 and 2.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 23rd JANUARY, 2019.**

P.C.

1. The petitioner has challenged the Order dated 21st August, 2013 passed in Revision Application NO. 120 of 2009 passed by the Joint Divisional Registrar, Pune.
2. The respondent nos.1 and 2 had purchased Plot No.4 from the respondent no.3 and had requested the petitioner society to transfer the plot in their favour, and to give membership under Section 22(2) of the Maharashtra Co-operative Societies Act. The said application was allowed by the Deputy Registrar. The revision application filed

by the petitioner was dismissed by the Divisional Joint Registrar, Pune, Being aggrieved by the said order, the petitioner has filed this petition under Article 227 of the Constitution of India, 1950.

3. The learned Counsel for the petitioner and the respondent have submitted that the petitioners and the respondent nos.1 and 2 have settled the matter amicably. They have placed on record minutes of the order signed by the respective parties. The same reads thus:

“By consent of parties the Writ Petition is disposed of in the following terms:

1. The Petitioner Society shall admit Respondent No.1 and Respondent No.2 and its members and shall enter their names in the records of the Society and issue Share Certificate in their names in respect of Plot No.4, admeasuring 280 s. mtrs lying being situate at Survey No.6/2 ½ at Warje, Tukdi Pune, Pot Tukdi Taluka Haveli, in the Sub Registrar limits of Haveli, District Pune. The Respondent No.1 shall be the Primary Member and the Respondent No.2 shall be an Associate Member.

2. The Respondent No.1 and the Respondent No.2 shall

jointly pay the amount of Rs.28,814/- to their Advocates on record within a period of two weeks and hereby authorize their Advocates to pay the said amount to the Petitioner society on their behalf upon the Petitioner Society admitting Respondent No.1 and Respondent No.2 as members of the society and updating its records.

3. The Respondent No.1 and 2 shall execute two separate Indemnities in favour of Petitioner Society indemnifying the Petitioner Society as against claims, if any by Respondent No.3 Mrs. Lajwanti Pardeshi.

4. The Petitioner Society shall co-operate with the Respondent No.1 and 2, when they get the revenue records relating to the said Plot No.4 duly mutated in their names at their own risk and costs, without making the Petitioner society responsible and/or liable for the same.

5. The Petitioner society shall co-operate with the Respondent No.1 and Respondent No.2 and/or their nominees/representatives to pay up necessary fencing/boundaries on the aforementioned plot of land.

6. The Writ Petition stands disposed of in the aforesaid terms.
7. No order as to costs.”
4. Petition stands disposed of in above terms.

(ANUJA PRABHUDESSAI, J.)