

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

WRIT PETITION (ST) NO. 1077 OF 2020

Neville Gomes

..Petitioner

V/s.

Deputy Registrar Co. Op. So. & Ors.

..Respondents

Mr.Karl Tamboly a/w Ms.Sheetal Shah i/b Mehta & Girdharlal for the Petitioner.

Ms.M.S. Bane, AGP for Respondent Nos.1,4 and 5-State.

Ms.Sarina Lopez, Respondent No.3 present in person.

CORAM : C.V. BHADANG, J.

DATE : 24th JANUARY 2020

P.C.

1. Heard learned counsel for the petitioner and the respondent No.3 who appears in person. Perused record.

2. The challenge in this petition is to the order dated 2nd November 2019 passed by the Deputy Registrar Co-operative Societies, Mumbai thereby permitting the impleadment of the respondent No.3 in an application under Section 101 of the Maharashtra Co-operative Societies Act, 1960 ('Act' for short) filed by the respondent No.2 against the petitioner. It transpired during the course of the argument at bar that the petitioner has challenged

the said order in Revision Application before the respondent No.4. The contention on behalf of the petitioner is that the Revision Application is not registered and is not being heard. So the limited grievance and prayer is that the Revision Application may be expedited.

3. The respondent No.3 who appears in person states that the original order was passed by the respondent No.2 directing the petitioner to furnish certain documents pertaining to her flat No.302 in the said society and it is on account of the non-compliance of the said order that the recovery proceedings are sought to be initiated and she is a necessary party and has been rightly impleaded as such.

4. It is not necessary to go into this contention in this petition, inasmuch as the challenge to the impugned order is still pending before the respondent No.4. In that view of the matter the petition is disposed of with a direction to the respondent No.4 to decide the Revision Application along with Stay Application as expeditiously as possible and preferably within a three months from the receipt hereof.

5. It is made clear that this Court has not expressed any opinion on the rival contentions of the parties including about contention of the respondent No.3 that the Revision Application is not maintainable. All such rival contentions are expressly left open. In the circumstances there shall be no order as to costs.

Nilam
Kamble

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Nilam Kamble
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C.V. BHADANG, J.