

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

WRIT PETITION NO.9331 OF 2019

Sabera Sarvar Khan .. Petitioner
Vs.
The Deputy Registrar of Co-op. Soc.
Through office of Govt Pleader & Ors. .. Respondents

Mr.J.A. Udaipuri i/by M/s.Udaipuri & Co. for the petitioner.
Mr.Rajan Pawar, AGP for the respondent no.2-State.

**CORAM : R.D.DHANUKA &
ABHAYAHUJA, JJ.**

DATE : 9th March 2020

P.C.:

. Rule. Learned counsel for the respondents waives service.
By consent of parties, petition is heard finally.

2. By this petition, the petitioner has impugned the order dated 6th March 2019 passed by the District Deputy Registrar of Co-operative Societies, Mumbai dismissing the revision application filed by the petitioner on the ground that the petitioner has not deposited 50% of the certified amount with the society.

3. Mr.Udaipuri, learned counsel for the petitioner states that his client is ready and willing to deposit 50% of the certified amount with interest to be computed upto the date of deposit within two weeks from

today. Statement is accepted as and by way of an undertaking to this Court. It is made clear that no further extension of time would be granted.

4. Learned counsel for the petitioner states that as on date, the said society is under the control of the administrator appointed by the respondent no.2. He further states that in these circumstances, the petitioner will not be able to deposit the amount with the society and would deposit the amount with the respondent no.2. Statement is accepted.

5. Upon depositing the amount, the respondent no.2 shall hear the said revision application on its own merit. The impugned order dated 6th March 2019 passed by the District Deputy Registrar of Co-operative Societies, Mumbai is set aside on the aforesaid condition.

6. It is made clear that if the amount is not deposited within the time prescribed, the order passed by this Court today to stand vacated without further reference to the Court.

7. Rule is made absolute on aforesaid terms. No order as to costs. Parties to act on the authenticated copy of this order.

ABHAYAHUJA, J.

R.D.DHANUKA, J.