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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION No. 208 OF 2020**

Kolhapur Zilla Sahakari Dudh Utpadak  
Sangh Ltd., District Kolhapur ... Petitioner  
Vs.  
Hanuman Co-operative Diary  
Society Ltd. Malwadi (Kotoli) & Ors. ... Respondents  
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Mr. Surel Shah, for the Petitioner.

Mr. S. S. Patwardhan i/b Chetan G. Patil, for Respondent No. 1.

Ms. M. S. Bane, AGP for the Respondent – State.

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**CORAM : C. V. BHADANG, J.**

**DATE : JANUARY 13, 2020**

**ORAL JUDGMENT :**

1. Heard learned counsel for the Petitioner and learned counsel for the first Respondent. Rule. Rule is made returnable forthwith. Learned counsel Mr. S. S. Patwardhan waives notice for the first Respondent. By consent of parties, petition is taken up for final hearing.

2. The limited issue in this petition is from which date the deemed membership shall enure to the benefit of the first Respondent, which is granted under S. 22(2) of the Maharashtra Co-operative Societies Act, 1960 (for short “Act”). The Divisional Deputy Registrar, Co-operative Societies, Pune by an order dated 16<sup>th</sup> April, 2018 had

allowed application filed by the first Respondent under S. 22(2) for granting deemed membership of the Petitioner to first Respondent. The Divisional Deputy Registrar did not specify any date from which such membership is granted. The Petitioner feeling aggrieved by the order granting deemed membership, challenged the said order before the Joint Registrar of Co-operative Societies, Mumbai in Revision Application No. 2 of 2018.

3. It appears that a pursis was filed on behalf of the Petitioner before the Revisional Authority on 1<sup>st</sup> August, 2018 stating that the first Respondent has been granted membership as per Resolution No. 3(A), and therefore, nothing survives in the revision application. The Joint Registrar of Co-operative Societies, by an order dated 18<sup>th</sup> August, 2018 while disposing the said revision application, has directed that the deemed membership shall operate from the date on which the first Respondent has deposited the share amount. Petitioner is only aggrieved by this part of the order. The contention is that Petitioner cannot be visited with such a prejudicial order in revision application filed by the Petitioner itself.

4. On hearing the learned counsel for the parties, I find that in the facts and circumstances of the case, it is not necessary to go into this question, inasmuch as Petitioner during pendency of the revision

application has granted membership to the first Respondent by a resolution, which is adopted on 6.7.2018.

5. On behalf of the Petitioner, reliance is placed on a decision of this Court in case of ***Shivkishan Mulchand Agrawal Vs. Smt. Sujata Makhija & Ors [judgment dated 21<sup>st</sup> September, 2015 in Writ Petition No. 1460 of 2006]***<sup>1</sup>. One of the questions before this Court in the aforesaid case was whether first Respondent, therein had acquired a deemed membership of the Society as per S. 22(2) of the Act, and if yes, from which date. This Court while dealing with the said issue has held in para 8, that the first Respondent had become deemed member after three months from the date of filing of the original application to the Society. In the present case, it is undisputed that the application was filed by first Respondent No. 1 on 28.9.2017 and thus, the deemed membership shall be from three months from the said date i.e. 28<sup>th</sup> December, 2017. In that view of the matter, petition is partly allowed. The impugned order is modified to the aforesaid extent by directing that the deemed membership is granted to the Respondent No.1 with effect from 28<sup>th</sup> December, 2017. Rule is made partly absolute in the aforesaid terms with no order as to costs.

**C. V. BHADANG, J.**

Vinayak Halemath

1 2015 SCC OnLine Bom 8640.

Vinayak P.  
Halemath

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