

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.7550/2017

Dilip S/o Dnyaneshwar Amzire and another
..V/s..

The Registrar, Cooperative Societies (Fisheries), Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.V. Samarth, Advocate for the petitioners.
Shri A.M. Balpande, A.G.P. for respondent Nos.1 to 3.
Shri C.P. Chandurkar, Advocate for the respondent No.5.

CORAM : RAVINDRA V. GHUGE, J.

DATED : 23.1.2020.

1] The learned A.G.P. points out that the impugned order passed under Section 102 of the Maharashtra Cooperative Societies Act, is an appealable order and the same would therefore render this petition untenable as an appeal under Section 104 is available.

2] Considering the recent order of the Hon'ble Apex Court in Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society [2019 SCC Online SC 1292] in Civil Appeal No.7764/2019, dated 03/10/2019, the petitioner would have to avail of the statutory remedy.

3] The learned Advocate for the petitioner submits that since this Court had granted *ad interim* relief to the petitioner and the impugned order dated 3.8.2017 was stayed, the said order may be continued at

least for a period of 3 months.

4] The learned Advocate appearing for respondent No.5 submits that *ad interim* relief be vacated and the appeal could be considered by the statutory Authority on its own merits.

5] Considering the above, and since this Court has granted *ad interim* protection on 28.11.2017, this petition is **disposed off** as withdrawn with liberty to the petitioner to avail of the statutory remedy on or before 21.2.2020 along with an application for interim relief. The *ad interim* protection granted by this Court would continue up to 21.2.2020. It is made clear that the Appellate Authority would consider grant of interim relief, on its own merits without being influenced by the earlier orders of this Court.

6] All contentions of the litigating parties are kept open.

(RAVINDRA V. GHUGE, J.)