

Prajakta Vartak

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

WRIT PETITION NO.2611 OF 2020

Mumbai Vidi-Tambakhu Vyapari
Co-op. Credit Society Ltd. (MVTP)

...Petitioner

V/s.

Mrs.Bhagyashri Bhalchandra Khatu & Ors.

...Respondents

Mr.Harish Pawar for the Petitioner.
Ms.Vaishali Nimbalkar, AGP for State

**CORAM : G. S. KULKARNI, J.
DATE : SEPTEMBER 08, 2021**

PC :

1. After hearing learned counsel for the petitioner for sometime, he would fairly agree that the order which has been impugned in the writ petition is an interim order dated 4 June, 2019 passed by the Divisional Joint Registrar, Co.op. Societies, Mumbai Division, Mumbai, directing the parties to maintain status-quo. Learned counsel for the petitioner states that the principal proceedings are pending as also his clients would like to file an application objecting to the proceedings initiated by respondent no.3. His contention is also that there is breach of the condition precedent in filing of such proceedings by respondent no.3 namely of a mandatory pre-deposit of the 50% of the amount in dispute, in regard to which he states that a contention has been raised by his client in the first reply which is filed before the learned

Divisional Joint Registrar. He however states that no substantive application has been filed to that effect and his client would intend to file such application.

2. As the principal proceedings are pending and as the petitioner intends to move a fresh application to raise an objection to the maintainability of pending proceedings, in my opinion, it would be appropriate that the Divisional Joint Registrar takes up the pending proceedings and decide the same as expeditiously as possible and make an endeavour to dispose of the same within a period of four months from today.

3. The petitioner is at liberty to move an application raising an objection to the proceedings which certainly would be decided by the Divisional Joint Registrar in accordance with law.

4. In view of the above observations, the petition is disposed of.

5. All contentions of the parties are expressly kept open.

(G. S. KULKARNI, J.)