

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4814 OF 2021

Om Shivam Co-op. Housing Society Limited] **Petitioner**

Vs.

Hon'ble Divisional Joint Registrar,

Co-operative Societies, Mumbai Division,]

Mumbai and others.] Respondents

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Mr. J. N. Jain, for Petitioner.

Mr. S.S. Pachpor, A.G.P, for Respondent-State.

Mr. Prashant P. Kulkarni, for Respondents No.4 to 6.

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**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 1st SEPTEMBER, 2021.

P.C.

1. Heard learned Counsel for the parties.
2. By this petition under Article 227 of the Constitution of India, the petitioner is challenging the order dated 4th August, 2021 passed by Deputy Registrar Co-op Societies G-North Ward, Mumbai City under section 77 (A) of the Maharashtra Co-operative Societies Act, 1960.

3. Learned Counsel appearing on behalf of respondents No.4 to 6 submits that the same order is challenged by the petitioner by filing Appeal No.238 of 2021 before the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai under section 152 of the Maharashtra Co-operative Societies Act, 1960. He submits that the said appeal was admitted by the Divisional Joint Registrar on 23rd August, 2021 and dismissed the stay application. Operative part of the said order reads thus;

: ORDER :

1. The Appeal No238/2021 is admitted.
2. The stay application is hereby rejected.
3. The case is kept for hearing on 25/11/2021 at 3.00 p.m.

4. Learned Counsel appearing on behalf of respondents No.4 to 6 submits that as the appeal is already pending for the same cause of action, there is no question of entertaining the present writ petition. Hence, the same is required to be dismissed with costs.

5. We heard learned Counsel for the parties at length.

6. It is to be noted that for the same cause of action appeal filed by the petitioner is admitted and the same is pending for hearing and final disposal on its own merits. Hence, the present writ petition is not maintainable.

7. Writ petition stands dismissed as the same is not maintainable.

8. No order as to costs.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]