

Vidya Amin

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

**WRIT PETITION NO. 1481 OF 2017
WITH
WRIT PETITION NO. 227 OF 2017
WITH
WRIT PETITION NO. 10655 OF 2019**

Konark Estate Cooperative Housing Society
Ltd., Pune

... Petitioner

V/s.

The Divisional Joint Registrar, Co-op. Societies,
Pune Division & Ors.

... Respondents

Mr. Satyajeet A. Rajeshirke for the petitioner.

Mr. S.H. Kankal, AGP for the State in WP/1481/2017 and
WP/227/2019.

Mr. S.D. Rayrikar, AGP for the State WP/10655/2019.

Mr. J.D. Khairnar i/b. V.B. Shivarkar for respondent no. 4 in
WP/1481/2017 and WP/227/2019 and for respondent no. 5 in WP/
10655/2019..

**CORAM : G.S.KULKARNI, J.
DATE : 7 December, 2021**

P.C.:

Writ Petition No. 1481 of 2017

1. Having heard learned counsel for the parties, I am not inclined to interfere in this petition, which assails an order dated 24 May, 2016 passed by the Divisional Joint Registrar Cooperative Societies, Pune Division whereby the petitioner's revision application has been rejected against an order dated 29 May, 2014 passed by the Deputy Registrar, Cooperative Societies under section 22(2) of the Maharashtra Cooperative Societies Act, 1960 directing that respondent no. 4 be accepted as Member of the petitioner-society. The concurrent findings against the petitioner are to the effect that although an application was made for

membership, which according to respondent no. 4 was a proper application, the petitioner-society never bothered to inform any infirmity in regard to the said application and/or communicate a decision on the said application. In these circumstances, before the Deputy Registrar, respondent no. 4 contended that he had become a member and the membership was deemed to have been conferred to him by virtue of the provisions of Section 23(1A) of the Act. There are concurrent finding of fact that no decision on respondent no. 4's application was taken.

2. At this stage, learned counsel for the petitioner submits that there are maintenance dues and also amounts for transfer of share certificates is required to be paid by respondent no 4. Mr. Khairnar, learned counsel for respondent no. 4 in fairness would submit that his clients is willing to deposit the entire amount within a period of four weeks from the date of demand, which would now be raised, however, he submits that if the demand is arbitrary or unreasonable, his rights in that regard to assail such demand be kept open.

3. Keeping open such rights of respondent no. 4, the Society may raise such demand on respondent no. 4. All contentions in that regard are expressly kept open.

4. Before parting, it needs to be observed that as the parties are litigating for a long time on issues of maintenance dues, they should not engage themselves into further litigation and any issue of maintenance and any other demand payable to the Society, be amicably resolved. It is expected that both the parties would take

a reasonable approach in that regard.

5. The writ petition is dismissed, however, subject to above observations. No costs.

Writ Petition No.10655 of 2019 and Writ Petition No. 227 of 2017

6. In view of dismissal of Writ Petition No. 1481 of 2017, Writ Petition No. 10655 of 2019 and Writ Petition No. 227 of 2017 would not survive, they are accordingly disposed of.

(G.S.KULKARNI, J.)