

Prajakta Vartak

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

**WRIT PETITION NO.585 OF 2020
WITH
INTERIM APPLICATION NO.3293 OF 2021**

Deshbhakta Ratnappanna Kumbhar
Panchganga Sahakari Sakhar Karkhana Ltd. **...Petitioner**

V/s.

Niyojit Shri. Vitthalrao Appaso Naik
Nimbalkar Sahakari Pani Purvatha
Sanstha Ltd. & Ors. **...Respondents**

Mr. Tejpal Ingale for Petitioner/Applicant.
Mr. Surel Shah for Respondent No.1.
Mr. S. D. Rayrikar, AGP for State/Respondent Nos.2 & 3.

**CORAM : G. S. KULKARNI, J.
DATE : DECEMBER 15, 2021**

P.C. :

1. After the hearing of this petition progressed for some time, Mr. Ingale, learned counsel for the petitioner seeks leave to withdraw this petition with liberty to file a revision application under Section 154 of the Maharashtra Co-operative Societies Act, 1960.
2. Allowed to be withdrawn with liberty as prayed for. All contentions of the parties are expressly kept open.
3. At this stage, Mr. Ingale submits that as the petitioner was bonafide pursuing the present petition, the petitioner be permitted to file a revision application within a period of two weeks from today and if such a revision application is filed, the same be entertained without any objection as to limitation. Such prayer of Mr. Ingale is fair. In my opinion, the petitioner was bonafide pursuing the present petition which came to be filed on 21 November, 2019 and it was heard on 28 January, 2020 and its subsequent listings.

4. In the circumstances, it is in the interest of justice that a revision application be filed within two weeks from today and the revisional authority shall decide the said revision application without raising any objection as to limitation.

5. Mr. Ingale would also draw my attention to the order dated 28 January, 2020 passed by this Court (C. V. Bhadang, J.) and more particularly paragraph 3 thereof which reads thus:-

“3. (It is submitted by learned counsel for the petitioner that the petitioner does not and cannot have any objection to the registration of the first respondent society.) The only contention raised is that by virtue of the impugned order the assets belonging to the petitioner have been transferred in the name of first respondent which is permissible.”

(bracketed for convenience)

He submits that the bracketed portion as recorded in the order is an inadvertent mistake and he would like to withdraw such statement. Mr. Shah, learned counsel for respondent no.1 would not have any objection and has also fairly accepted such contention as urged by Mr. Ingale. Accordingly, Mr. Ingale is permitted to withdraw the statement as made in paragraph 3 of the order dated 28 January 2020 as noted above.

6. The petition is disposed of in the above terms.

7. In view of disposal of the petition, the interim application would not survive. It is accordingly disposed of.

(G. S. KULKARNI, J.)

Digitally
signed by
PRAJAKTA
SAGAR
VARTAK
Date:
2021.12.16
17:49:18
+0530