

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1955 OF 2022

Vasudev Mirchumal (since deceased)] ... Petitioner
through Legal Heir]

Vs.

The State of Maharashtra through it's]
Government Pleader & Ors.] ... Respondents

WITH
WRIT PETITION NO.1956 OF 2022

Lakhi Mirchumal Devjani (since]
deceased) through Legal Heirs] ... Petitioners

Vs.

The State of Maharashtra through it's]
Government Pleader & Ors.] ... Respondents

...
Mr. Filji Frederick with Mr. Vinay Kumar i/b FF & Associates for
the petitioners.

Mr. P.V. Nelson Rajan, A.G.P. for the respondent-State.

...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 24TH FEBRUARY, 2022.

P.C. :-

1. I have considered the law laid down by the Hon'ble Apex Court in **Virudhunagar Hindu Nadargal Dharma Paribalana Sabai & Ors. v. Tuticorin Educational Society & Ors.**¹ and **Genpact India Private Limited v. Deputy Commissioner of Income Tax & Anr.**²

2. When there is a statutory remedy available under Section 154 of the Maharashtra Co-operative Societies Act and sub-clause (2A) mandates deposit of 50% of the amount, I am not entertaining this petition.

3. The petitioner is granted liberty to immediately take recourse to the statutory remedy available under Section 154 read with Section (2A) of the Maharashtra Co-operative Societies Act. If the revision is filed on or before 11/03/2022, the time spent by the petitioner in this court from 25/01/2022 till 11/03/2022 or the date on which the revision is filed, whichever is earlier, would be a good ground for condonation of delay.

4. The petition is disposed off.

[RAVINDRA V. GHUGE, J.]

¹ (2019) 9 SCC 538

² 265 (2019) Delhi Law Times 123 (SC)