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

WRIT PETITION NO. 4865 OF 2022

Sanjeev Enclave CHS Ltd.

...Petitioner

Versus

Divisional Joint Registrar, Co-operative
Societies, Mumbai Division, Mumbai & Ors.

...Respondents

Mr. Anil Misra, for the Petitioner

Mr. Bhavin Gada a/w Ms. Mansi Shah i/b M/s Pravin Mehta & Mithi &
Co., for the Respondent.

Mr. K. S. Thorat, A.G.P for the Respondent–State.

CORAM : REVATI MOHITE DERE &

MADHAV J. JAMDAR, JJ.

DATED : 29th APRIL 2022

P.C. :

1. Heard learned counsel for the parties.
2. The petitioner is aggrieved by the rejection of his stay application by the Additional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai whilst admitting the petitioner's Appeal.

3. The petitioner-society has filed an Appeal, being Appeal No.25 of 2022 (under Section 152 of the Maharashtra Cooperative Societies Act, 1960), before the Additional Joint Registrar, Co-operative Societies, Mumbai Division. The said Appeal challenges the order dated 21st December 2021 passed by the Deputy Registrar, Cooperative Societies, K/W Ward, Mumbai under Section 79(2) of the Maharashtra Cooperative Societies Act.

4. The Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai vide order dated 22nd March 2022 admitted the petitioner's Appeal, however, rejected the stay application filed by the petitioner. The operative portion of the said order reads as under:-

“ORDER

1. The Appeal No. 25/2022 is admitted.
2. The stay application is hereby rejected.
3. The case is kept for hearing on 04/07/2022 at 03.00 p.m.”

5. Learned counsel appearing for the respondent Nos. 3 and 5 does not dispute the fact, that there are outstanding maintenance dues to the tune of Rs.1 crores in respect of the two flats i.e. B/1301 and B/1302 of the

respondent Nos.3 to 5.

6. Without going into the merits of the petition, only having regard to the fact, that the petitioner's Appeal is pending before the Divisional Joint Registrar, Cooperative Societies, Mumbai, and is yet to be heard on merits, we deem it appropriate to direct the respondent Nos. 3 and 5 not to create any third party rights nor to transfer Share Certificate with respect to the subject flats till such time, the petitioner's Appeal is decided by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai. The hearing of the Appeal is expedited. It is made clear, that we have not gone into the merits of the petition and as such, all contentions of all parties are kept open.

7. The petition is disposed of in the aforesaid terms.

8. All concerned to act on an authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.