

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9026 OF 2022**

Vasant Chandulal Lodha, Dir

Apna Bazar Central Co-op

Consumer Stores Ltd.

...Petitioner

V/s.

Divisional Joint Registrar,

Co-operative Societies and Ors.

....Respondents

Mr. Nitin P. Deshpande, Advocate for the petitioner.

Mr. P.P. Pujari, AGP, for State-respondents no.1 and 2.

Mr. Shreeprasad Parab, Advocate for respondent no.4.

CORAM : SANDEEP K. SHINDE, J.

MONDAY, 3RD OCTOBER, 2022.

P.C. :

1. The Deputy Registrar, Co-operative Societies, Thane in exercise of powers under Section 19 of the Maharashtra Co-operative Societies Act, 1960 ("the said Act" for short), by order dated 7th May, 2019 at the instance of the Liquidator, ordered reconstruction of the

respondent no.4-Society. This order is appealable under Section 152 of the said Act.

2. Plain reading of Section 19 of the Act, indicates that proposal for compromise or reconstruction of the Society can be moved by the Society or its Creditors or members or in case Society which is being wound-up, by Liquidator. Therefore, either Society or Creditor or Member or Liquidator, would be a party aggrieved by order, if any passed under Section 19. In the case at hand, the petitioner is neither a Society, nor Creditor nor a Member. In spite of that, he preferred an Appeal, against the order dated 7th May, 2019 before the Divisional Joint Registrar. On 12th May, 2022 the Divisional Joint Registrar, stayed the operation of the order dated 7th May, 2019 passed by the Deputy Registrar at the instance of the petitioner. Admittedly, while passing this order, respondent no.4-Society was not heard. Further, it appears that the Society moved the Divisional Joint Registrar and requested to vacate, modify or stay its order dated 12th May, 2022. On 30th June, 2022 the Divisional Joint Registrar, vacated the ex-parte order dated 12th May, 2022, whereby the order dated 7th May, 2019 was revived.

3 October, 2022.

3. Mr. Deshpande, learned Counsel appearing for the petitioner, makes a grievance that before vacating the order, the petitioner was not heard by the Divisional Joint Registrar. Therefore, instead of approaching and/or appearing before the Divisional Joint Registrar on the scheduled date i.e. 14th July, 2022, petitioner filed this petition.

4. Heard learned Counsel for the parties and perused the Affidavit-in-reply filed by the Divisional Joint Registrar.

5. Order impugned is, interlocutory; Appeal is pending for consideration before the Divisional Joint Registrar. Thus, having regard to narrow controversy, I am not inclined to interfere with the impugned order. Instead, let the Divisional Joint Registrar, hear the parties to the Appeal No.7/2021 on 10th October, 2022 at 3:00 p.m. and dispose of the same on merits without being influenced by the order of this Court and preferably within one week therefrom.

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

NEETA
SHAILESH
SAWANT

(SANDEEP K. SHINDE, J.)