

Dusane

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

WRIT PETITION NO.8863 OF 2016

Vasai Kshatriya CHS Ltd. ...Petitioners
through Chairman

V/s.

State of Maharashtra & Ors. ...Respondents

Mr. Nigel Quraishy a/w Sushmit Phatale i/by Sagar
Kasar for Petitioners.

Mr. S.H. Kankal, AGP for State.

Mr. Ajit J. Kenjale a/w Sai Rajendra Kadam for
Respondent no. 4.

CORAM: MADHAV J. JAMDAR, J.

DATE: 29th SEPTEMBER 2022

P.C.:

1. The Petitioner-Society by the present petition has challenged order dated 8th September 2015 and 26th April 2016 passed by the Divisional Joint Registrar, Co-operative Society, Konkan Division. By order dated 8th September 2015, the Revision Application No. 89 of 2014 filed by the Society was dismissed as none appeared for the Society on five occasions. Restoration application filed in the said Revision Application was dismissed by the impugned order dated 26th April 2016. In the said Revision Application No. 89 of 2014, the order dated 25th July 2014 passed by the Deputy

Registrar of Co-operative Societies, Vasai was challenged. By said order, Respondent no.4 was declared as deemed member of the Society and he was directed to be accepted as member within a period of two months from the date of said order. Till date, the said order is not complied by the Society.

2. When this petition came up before this Court on 28th September 2022, both the parties expressed that they are exploring possibility of settlement and sought one day's adjournment and therefore the matter is kept today.

3. Today, learned counsel for the Petitioner submitted that he has instructions to withdraw the writ petition and the Petitioner-Society will immediately comply with the order dated 25th July 2014. He, however states that Respondent no.4 is required to comply with certain requirements. Both the parties agree that the following requirements are required to be fulfilled.

"(i) The Respondent no. 4 shall submit a copy of complete set of the self attested photo copies of the membership forms to the Petitioner-Society.

(ii) The Respondent no. 4 shall pay outstanding dues when raised by the Society.

(iii) The Respondent no. 4, states that the original share certificate is misplaced/lost and he has filed a police complaint. The Respondent no. 4 shall submit an application annexing the photocopies complete in all respects for issuance for a duplicate share certificate and the Petitioner society shall process the said application expeditiously.

(iv) The Petitioner society states that there are some leakage issues from Flat no.101, the Respondent no. 4 shall take necessary remedial steps to stop the said leakage from Flat No.101 in Flat no.1 ground floor if any."

4. Mr. Kenjale, learned counsel appearing for Respondent no. 4 states that Respondent no. 4 shall comply with the above requirements within 10 days and in any case within a reasonable period. Learned counsel for the Petitioner states that as soon as all the requirements are complete, the Society will issue duplicate share certificate to the Respondent no. 4.

5. Learned counsel for the Petitioner assured that order dated 25th July 2014 will be complied with within a period of 20 days from today. In view of the above arrangement arrived at between the parties, the writ petition is disposed of.

(MADHAV J. JAMDAR, J.)

BHALCHANDRA
GOPAL
DUSANE

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2022.10.01
17:36:34 +0530