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

INTERIM APPLICATION NO. 16693 OF 2022

IN

WRIT PETITION NO. 8053 OF 2022

Mrs. Madhumalati Dafre

...Applicant

In the matter between
Housefin CHS Ltd (Kailash Udyan)
through Chairman / Secretary

...Petitioner

Versus

Keval Kantekar and Ors

...Respondents

- Dr. Uday Warunjikar a/w Adv. Sonali Chavan for the Applicant.
- Adv. Kishor Patil a/w Adv. Abhinav A. Bhatkar for Petitioner.
- Adv. Shamim Shaikh i/by Vijay Aggarwar for Respondent No. 1.
- Adv. V.S. Gokhale, B Panel, AGP, for the Respondent – State.

**CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.**

DATE : JULY 27, 2022.

P. C. :

1. By way of present Application, the Applicant is seeking intervention in the Petition.

2. Dr. Warunjikar, learned Counsel appearing for the Applicant submitted that an order was passed by this Court on 07th July, 2022 and probably certain facts were not brought to the notice of this Court, order of this Court may lead to some confusion. It is submitted in the Application that the Applicant is the original complainant who had filed complaint

before the Respondent No. 2 – Joint Registrar and certain orders were passed by the Authority on receipt of the complaint.

3. Being aggrieved by the order dated 31st May, 2022, the Applicant filed an Appeal before the Appellate Authority i.e., the State of Maharashtra through Minister for Co-operation, Mantralaya. Along with Appeal an application for grant of stay was also filed. In its order dated 31st May, 2022, the competent Authority by invoking the powers under Section 78 (a) of the Maharashtra Co-operative Societies Act, 1960 as well as by considering re-audit report and special report passed a detailed order. In its order the Authority in first part declared the members of the Managing Committee of the Society disqualified for contesting election for a period of one term and in second part, erstwhile Managing Committee is dissolved and Administrator, namely, Adv. Chandrakant Nikam is appointed to look after the daily affairs of the Society.

4. Dr. Warunjikar, learned Counsel appearing for Applicant submitted that Applicant is having no objection about the first part of the order but, he is carrying an apprehension that due to the order passed by this Court on 07th July, 2022, there may be hindrance in day to day activities of the Society, particularly, the financial activities of the society would be subjected to some sufferance.

5. Mr. Kishor Patil, learned Counsel appearing for Petitioner submitted that when the Petition was heard by this Court, attention of the

Court was invited to the order dated 31st May, 2022. Learned Counsel appearing for Petitioner submitted that it was also brought to the notice of this Court that an Administrator is appointed to look after the daily affairs of the Society and the Petitioner is having no objection in so far as this part of the order is concerned. (Emphasis supplied).

6. Learned Counsel appearing for Petitioner further submitted that as the Petitioner is facing disqualification for a period of one term in view of order dated 31st May, 2022 and though statutory appeal is preferred before the Appellate Authority along with Application, due to peculiar circumstances there is possibility that the Appeal may not be heard for considerably long period, as such, the prayer for interim order was made before this Court and accordingly, vide order dated 07th July, 2022 particularly, in paragraph 5 this Court directed that the order passed by the Deputy Registrar on 31st May, 2022 in so far as managing committee members of the Petitioner are debarred from contesting the elections for a period of one year, shall remain stayed for a period of six weeks from today or till such time the appeal is heard by learned Minister. (Emphasis supplied)

Learned Counsel appearing for Petitioner further submitted that then certain observations are made by this Court in paragraph 5 and the response from the State Government is awaited in the Petition.

7. Considering these facts, we are of the opinion, that as the

submission of learned Counsel appearing for Petitioner makes it clear that the Applicant shall not carry any erroneous impression in so far as the order of this Court passed on 07th July, 2022, no further order is required to be passed in Interim Application. Hence, Interim Application is disposed of.

(KISHORE C. SANT, J.)

(PRASANNA B. VARALE, J.)