

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1813 OF 2019

Pushpa S. Mavinkurve

...Petitioner

Versus

District Deputy Registrar of Co-operative ...Respondents

BHALCHANDRA
GOPAL DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2022.06.18
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Mr. Rahul Gaikwad a/w Ms. Nikita Abhyankar i/by M/s Gravitas Legal for
Petitioner.

Mr. Milind More, AGP a/w Mr. Himanshu Takke, AGP for State-
Respondent nos. 1 and 2.

Mr. Chacko Joseph for Respondent no. 4.

**CORAM : R.D. DHANUKA &
MADHAV J. JAMDAR, JJ.**

DATED : 17TH JUNE 2022

P.C. :

1. Rule. Rule is made returnable forthwith.
2. Learned AGP waives service on behalf of Respondent nos. 1 to 3.
3. Learned counsel for Respondent no. 4 on instructions states that the matter can be remanded to the District Deputy Registrar, Co-operative Societies, Mumbai for hearing of the application filed by the Society for

recovery of the amount of outgoings against Respondent no. 5 and also against the Petitioner for deciding the matter afresh by effecting service upon Respondent no. 5 at his Kolkata address described in the cause title of this petition. Statement is accepted.

4. In view of the statement made by the learned Counsel for Respondent no. 4 - Society, by consent we quash and set aside the order dated 15th February 2019 and notice of attachment dated 15th February 2019 passed by Deputy Registrar Co-operative Societies, Mumbai. The Deputy Registrar, Co-operative Societies shall decide the proceedings afresh in accordance with law without being influenced by the observations made and the conclusions drawn in the impugned order.

5. It is made clear that this Court has not expressed any correctness of the said order dated 11th October 2019.

6. All contentions on merits are kept open.

7. The Writ Petition is disposed of in aforesaid terms. No costs.

8. If any of the order is passed by the Deputy Registrar that shall be communicated to the Petitioner as well as Respondent nos. 4 - Society and Respondent no. 5 within two weeks from the date of passing such order.

9. If the order passed by the Deputy Registrar, Co-operative Societies is adverse against the Petitioner or Respondent no. 5, the same shall not be given effect to for two weeks from the date of its communication.

10. Parties to act on authenticated copy of this order.

(MADHAV J. JAMDAR, J.)

(R.D. DHANUKA, J.)