

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

910 WRIT PETITION NO.8602 OF 2022

**JITENDRA SURYAKANT PATIL AND OTHERS
VERSUS
KURSHIDBEE CHANDPASHI SHAIKH AND OTHERS**

...

Advocate for Petitioners : Mr. Mayur Salunke i/by Mr. V.D.Salunke
(Senior Advocate)

Advocate for Respondent Nos. 1 & 2 : Mr.Ghute Amit T.

AGP for Respondent Nos. 5 & 6 State : Mr.K.B.Jadhavar

...

CORAM : KISHORE C. SANT, J.

DATE : 22.06.2023.

PER COURT :

1. Heard for sometime.
2. The learned Advocate for the petitioners submits that though there is alternative remedy available to the petitioners, since the authority whose order is under challenge has not followed the principles of nature justice. The Writ Petition is maintainable. He submits that as a matter of fact, the petitioners have filed an application for intervention in the proceedings, however, that application was turned down by the District Deputy Registrar, Co-Operative and it was not registered by the authority, therefore, this Writ Petition is filed.
3. The learned Advocate for respondent Nos. 1 and 2

points out that there is alternative remedy available to the petitioners of filing appeal before the Divisional Joint Register, Co-Operative Societies under Section 18 and Sub Section 4 of the Maharashtra Money Lending Act, 2014. He submits that respondent No. 3 has already filed an appeal challenging order impugned in this petition. This Court finds that it will be proper, if the petitioners approach the appellate forum by filing appeal. Since the petition is pending before this Court and there is an interim relief by order dtd. 23.08.2023, therefore, it would be in the interest of justice to continue the same for a period of two weeks, so as to enable the petitioners to appear before the Appellate Forum and thereafter, till deciding of the application for stay.

4. The Appellate Authority shall take into consideration the time spent by the petitioners in prosecuting the Writ Petition No. 8602 of 2022, while considering the question of condonation of delay. With these observations, the Writ Petition stands disposed off.

(KISHORE C. SANT)
JUDGE