

Arjun

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

**WRIT PETITION NO.4960 OF 2023**

Mr. Hemant Hanmantrao Kadam & Ors. ...Petitioners

V/s.

The Divisional Joint Registrar, ...Respondents  
Co-operative Societies, Kolhapur & Ors.

Mr. V. H. Narvekar i/b Aadesh M. Patil, for the Petitioners.

Mr. A. P. Vanarase, AGP, for the Respondent Nos.1 & 4-State.

Ms. Shraddha Chavan i/b V. A. Shastry, for Respondent No.2.

**CORAM : MADHAV J. JAMDAR, J.**

**DATED : OCTOBER 30, 2023**

**P.C.:**

**1.** Heard Mr. Narvekar, learned counsel appearing for the Petitioners, Mr. Vanarase, learned AGP for the Respondent Nos.1 and 4-State and Ms. Chavan, learned counsel appearing for the Respondent No.2.

**2.** The Petitioners in the present Writ Petition are challenging the order dated 16th February 2023 passed by the Divisional Joint Registrar, Cooperative Societies, Kolhapur Division, Kolhapur in Revision Application No.285 of 2021.

**3.** By the impugned order, stay operating in said Revision Application is vacated. A learned Single Judge, by detailed order

dated 20th April 2023, issued notice to the Respondents, and granted ad-interim relief in terms of order dated 24th January 2023 passed by the Divisional Joint Registrar, Cooperative Societies, Kolhapur Division, Kolhapur. The said ad-interim relief is in operation till date.

**4.** As the Revision Application No.285 of 2021 is pending before the Divisional Joint Registrar, Cooperative Societies, Kolhapur Division, Kolhapur, the General Manager of the Respondent No.2-Bank has filed an affidavit dated 27th October 2023, *inter alia*, setting out in paragraph Nos.4 and 5 as follows :

“4. I say that the Respondent No.2 Bank will not proceed with recovery of the amount covered by recovery certificate bearing No.464/2018-2019 dated 22<sup>nd</sup> September 2021 under the provisions of S.101(1) of Maharashtra Co-operative Societies Act, 1960 till the disposal of Revision Application No.285 of 2021 pending before Respondent No.1 Divisional Joint Registrar, Co-operative Societies, Kolhapur.

5. I say that in view of the said undertaking I beg to this Honourable High Court for passing the direction to the Respondent No.1 Divisional Joint Registrar, Co-operative Societies, Kolhapur to dispose off the Revision Application No.285 of 2021 within stipulated period as directed by this Honourable High Court.”

**5.** In view of the above affidavit, the impugned order dated

16th February 2023 passed by the Divisional Joint Registrar, Cooperative Societies, Kolhapur Division, Kolhapur in Revision Application No.285 of 2021 is quashed and set aside, and it is further directed that, till the disposal of the said Revision Application, the order dated 24th January 2023 passed by the Divisional Joint Registrar, Cooperative Societies, Kolhapur Division, Kolhapur granting interim relief, shall remain in operation.

**6.** The learned Divisional Joint Registrar, Cooperative Societies, Kolhapur Division, Kolhapur, is requested to decide the said Revision Application No.285 of 2021 expeditiously and, in any case, on or before 29th February 2024.

**7.** The Writ Petition is disposed of in the above terms with no order as to costs.

**[MADHAV J. JAMDAR, J.]**