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

(17) WRIT PETITION NO. 508 OF 2020

Juhu Co-operative Housing Society
Limited

....Petitioner

V/s.

Deputy Registrar, Co-operative Societies
H-West Division, Mumbai and Ors.

...Respondents

Mr. Kishor Patil i/b Mr. Pratik B. Rahade for Petitioner.

Ms. Uma Palsuledesai, AGP for Respondent Nos.1 to 3.

Mr. Karl Tamboly, Mr. Anuj Desai a/w Mr. Ameet Mehta, Ms. Jayashri Manjrekar, Ms. Smriti Pal and Mr. Ranit Mazumdar i/b M/s. Solicis Lex for Respondent Nos.4, 5 and 6.

CIVIL APPELLATE JURISDICTION

(18) WRIT PETITION NO. 2288 OF 2023

Vijay H. Mulchandani and Ors.

....Petitioners

V/s.

The State of Maharashtra and Ors.

...Respondents

Mr. Karl Tamboly, Mr. Anuj Desai a/w Mr. Ameet Mehta, Ms. Jayashri Manjrekar, Ms. Smriti Pal and Mr. Ranit Mazumdar i/b M/s. Solicis Lex for Petitioners.

Ms. Dipali Meshram for Respondent Nos.5, 6 and 7.

Mr. A.I. Patel, Addl. G.P. a/w Mr. A.P. Vanarse, AGP for State/Respondent.

CIVIL APPELLATE JURISDICTION

WRIT PETITION (L) NO. 28357 OF 2019

Vijay H. Mulchandani and Ors.

....Petitioners

V/s.

The State of Maharashtra and Ors.

...Respondents

Mr. Karl Tamboly, Mr. Anuj Desai a/w Mr. Ameet Mehta, Ms. Jayashri Manjrekar, Ms. Smriti Pal and Mr. Ranit Mazumdar i/b M/s. Solicis Lex for Petitioners.

Mr. A.P. Vanarse, AGP for State/Respondent.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 15th MARCH 2023**

P.C. :

WRIT PETITION NO. 2288 OF 2023

1. On 1st March 2023 this court had passed various directions. Respondent No.3 has filed an affidavit affirmed on 13th March 2023 in which it is stated that Respondent Nos. 5, 6 and 7 have handed over the charge to Respondent No.4 on 4th March 2023.

2. Ms. Meshram states that Respondent Nos.5, 6 and 7 are filing affidavit in reply in compliance with the directions given in paragraph no.8 (c) of the order dated 1st March 2023 together with copies of Power of Attorney as directed in paragraph no.1 of the said order. Mr. Tamboly and Mr. Vanarse stated that they have not been served a copy of the affidavit or the Power of Attorney.

3. Since Respondent No.3 has stated in his affidavit that Respondent Nos.5, 6 and 7 have handed over the charge of the society and that the election process is already begun pursuant to the order dated 8th March 2023 annexed to the said affidavit, in our view nothing would survive in the petition.

4. We clarify that which member will be entitled to participate in the election will be decided by the Election Officer appointed by Respondent Nos. 3. We are not making any observations on that.

5. All members are directed to co-operate with the Election Officer and statement of Mr. Tamboly on behalf of petitioners and Ms. Meshram for Respondent Nos.5, 6 and 7 that they will all co-operate in the smooth conduct of the election process is accepted. We note that Respondent No.8 who has been served a copy of this order and the amended petition has neither entered appearance nor file any affidavit. Mr. Vanarse states that the State will take appropriate action against Respondent no.8 in accordance with law.

6. We accept the statement of Respondent No.3 that the election process will be completed within three months from 8th March 2023.

7. Mr. Tamboly and Mr. Vanarse state that since copies of affidavit in reply or Power of Attorney has not been served upon petitioner by Respondent No.5 or Respondent No.6 or Respondent no.7, if there are any allegations or statements made which may require a response by petitioner or Respondent Nos. 3 and 4, the same should be deemed not to have been admitted since the court is disposing the petition.

8. Petition accordingly disposed.

WRIT PETITION NO. 508 OF 2020

9. Mr. Tamboly on instructions states that Respondent Nos. 4 to 6 have brought the original Fixed Deposit receipts and photo copies whereof has been handed over to Mr. Patil. Mr. Tamboly states that the advocate on record for Respondent Nos.4 to 6 will within one working day of this order being uploaded, hand over these Fixed Deposit receipts to the Prothonotary and Senior Master, High Court, Bombay who shall keep the same in safe custody.

10. Once the electoral process is over as directed in Writ Petition No. 2288 of 2023, the Managing Committee shall address a communication to the Prothonotary and Senior Master, High Court, Bombay who shall hand over the Fixed Deposit receipts to the Managing Committee.

11. Mr. Tamboly tenders copy of a letter dated 9th March 2023 from Bharat Co-operative Bank (Mumbai) Ltd., providing there in a statement of Fixed Deposits and photo copies thereof. The same is taken on record and marked "X" for identification.

There are two term deposits in the name of the society issued by the Maharashtra State Co-operative Bank Limited, Mumbai, being term deposit Nos.10472/226/4400163 and 10472/226/4500291. These term deposits shall also be deposited in accordance with paragraph (9) mentioned above.

12. Petition accordingly stands disposed.

WP (L) NO. 28357 of 2019

13. Mentioned. Not on Board.

14. In view of the orders passed above, Mr. Tamboly states this petition also can be disposed.

15. Petition disposed.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)