

R.M. AMBERKAR  
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1538 OF 2023

Samarth Gardens CHS Ltd

.. Petitioner

**Versus**

Narendra Kumar Dubey & Ors.

.. Respondents

.....

- Mr. Surel S. Shah a/w Mr. Mahesh B. Karule, Mr. Yogesh K. Deshpande i/by YKD & Associates for Petitioner
- Mr. Amrut Joshi a/w Mallik Tanna & Ms. Disha Dave for Respondent Nos. 1 and 2
- Mr. P.G. Sawant, AGP for the State

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**CORAM : MILIND N. JADHAV, J.**

**DATE : FEBRUARY 08, 2023**

**P.C.:**

**1.** Heard Mr. Shah, learned Advocate for Petitioner; Mr. Joshi, learned Advocate for Respondent Nos. 1 and 2 and Mr. Sawant, learned AGP for State. Perused the record of the case.

**2.** The impugned order dated 17.10.2022 has been passed rejecting the stay of the order appointing the Authorized Officer to implement the order passed by the Joint Registrar on 16.01.2023, *inter alia*, with respect to grant of membership of the Petitioner Society. The aforesaid orders have been passed in the background when 157 Revision Petitions, *inter alia*, pertaining to seeking membership of the Petitioner Society filed by the purchasers of the flats in Wing F and G are admittedly pending before the Competent Authority. In the event if the impugned order is implemented, the

entire Revision Proceedings would stand frustrated. The impugned order has been passed in the proceedings filed by two specific members and 80 others for joining the Petitioner Society as members. Admittedly, the Revision Applications have been filed much prior to the aforementioned Application and therefore they would have to be decided in accordance with law. Though Mr. Shah, learned Advocate for Petitioner would submit that the original order dated 17.10.2022 was passed without serving copy of the said Application and without hearing the Petitioner Society, it may not be important to go into that aspect at this stage, once the Revision proceedings are being heard by the Competent Authority.

**3.** Both the learned Advocates jointly inform the Court that all Revision Applications are listed before the Competent Authority tomorrow for hearing. In that view of the matter, the Competent Authority i.e. Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai is directed to hear the Revision Application tomorrow or any day thereafter as per his convenience and decide the same in accordance with law by passing a reasoned order after hearing all concerned parties.

**4.** Mr. Joshi, learned Advocate for Respondent Nos. 1 and 2 would submit that some time bound programme be decided by the Court so that the agony and suffering of the members / flat purchasers

is redressed. Mr. Joshi is absolutely right. In view of his request, the Competent Authority is directed to decide all Revision Proceedings as expeditiously as possible and preferably within a period of four weeks from today. Parties are directed to cooperate with the Authority.

**5.** In view of this order, the impugned order dated 17.10.2022 shall be held in abeyance. The outcome of the Revision Petitions shall govern the substantive rights of the parties before me and in that view of the matter, the order dated 17.10.2022 may or may not survive.

**6.** With the above directions, Writ Petition is disposed.

[ MILIND N. JADHAV, J. ]

RAVINDRA  
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AMBERKAR

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