



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9493 OF 2023

Ashtavinayak (E) Co-operative
Housing Society Ltd.

... Petitioner

Versus

Divisional Joint Registrar, Co-operative Societies,
Mumbai Division and others

... Respondents

.....

Mr. O.R. Tiwari for the Petitioner.

Mr. A.P. Vanarase, AGP for the State-Respondent Nos.1 and 2.

Mr. Durgesh Rege for Respondent Nos.3 and 4.

Mr. Akash Mishra for Respondent No.5.

.....

CORAM : N.R. BORKAR, J.

DATED : 8 AUGUST 2023

P.C. :-

1. By the order impugned dated 29 November 2022, the respondent No.1 - Divisional Joint Registrar has dismissed the Revision Application filed by the present petitioner.

2. The learned Counsel for the Petitioner submits that after filing of the revision application, the respondent No.1 had issued the notice to the respondents and posted the revision for hearing on 3 January 2023. It is submitted that the respondents got the said date preponed, however, no intimation of it was given to the applicant. It is submitted that though the impugned order refers to one intimation letter dated 7 October 2022 however, the same was not received by the applicant.

3. In support of submission the learned Counsel for the applicant has placed on record the copy of the notice issued by the respondent No.1 dated 25 August 2022 by which the parties were told to appear for hearing on 3 January 2023.

4. Considering the overall facts and circumstances, the order impugned cannot be allowed to stand. The order impugned is thus set aside. The matter is remanded back to the respondent No.1 for deciding it afresh. The respondent No.1 shall decide the revision application on its own merits without being influenced by the order impugned.

5. The Writ Petition is disposed of in above terms.

(N.R. BORKAR, J.)