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Date: 2023.09.15
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10870 OF 2023

Shri. Todarmal Junjhunwala & Anr. ...Petitioners

V/s.

The Divisional Joint Registrar ...Respondents
Co-operative Societies & Anr.

WITH

WRIT PETITION NO.10871 OF 2023

Shri. Todarmal Junjhunwala ...Petitioners
Chairman, The New Anant CHS
Ltd. & Anr.

V/s.

The Divisional Joint Registrar ...Respondents
Co-operative Societies & Anr.

Mr. Siddharth R. Karpe for Petitioners.

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

Ms. Mehek Chowdhary i/by Jhangiani, Narula and
Associates for Respondent Nos. 4,5 and 6.

CORAM: MADHAV J. JAMDAR, J.

DATE: 14th September 2023

P.C.:

1. Heard Mr. Gaware-Patil, learned Counsel appearing for the
Petitioners, Mr. Narula, learned Counsel appearing for the

Respondent Nos. 4, 5 and 6 and Mr. Vanarase, learned AGP for Respondent Nos. 1 and 2 on the earlier occasion.

2. It is the contention of the Petitioners that the Appeal No. 107 of 2023 pending before the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai was admitted by order dated 5th June 2023 and kept for hearing on 10th October 2023 at 12.00 noon and thereafter the said date was preponed without giving adequate and proper notice to the Petitioners and the said Appeal was decided by the impugned order dated 10th August 2023.

3. After arguing the matter for sometime, learned Counsel appearing for the Petitioners and learned Counsel appearing for the Respondent Nos. 4, 5 and 6 took instructions from the respective parties and accordingly today tendered the consent minutes of the order. The said consent minutes of the order are taken on record and marked 'X' for identification. The said consent minutes of order reads as under:-

"Consent Minutes of the Order.

Counsel- Adv. Nitin Gaware Patil i/b Adv. Siddharth R. Karpe for the Petitioners in both the Petitions.

Counsel - Rajiv Narula i/by Jhangiani Narula & Associates - Advocates for the Respondent Nos. 4,5 and 6.

Mr. A.P. Vanarase, AGP for the Respondent Nos.1 & 2.

P.C. :

1. By consent, the above Petitions are disposed of on the terms mentioned herein below:

2. The common Impugned Order dated 10.08.2023 passed by the Respondent No.1, Divisional Joint Registrar, Mumbai in the Revision Application No. 203 of 2023 and Appeal No. 107 of 2023 stands quashed and set aside and the matters are remanded back for hearing to the file of the Respondent No. 1, to be decided on its own merits. All contentions are kept open.

3. The Respondent No.1 is directed to hear the parties in the Revision Application No. 203 of 2023 and Appeal No. 107 of 2023 and dispose of the same within 8 weeks of the passing of the present Order.

4. In the meantime, the interim Order dated 05.06.2023 passed by the Respondent No.1 is restored and the same shall continue to operate until the final adjudication and disposal of the Revision Application No. 203 of 2023 and Appeal No. 107 of 2023.

5. In the meantime, the election process in respect of the New Anant Co-operative Society, Kandivali (East), Mumbai shall remain stayed till the final disposal of the Revision Application No.203 of 2023 and Appeal No. 107 of 2023 the Respondent No. 1. It

is further made clear that the Appeals preferred by the Petitioners and others u/s 152(A) of the Maharashtra Co-operative Societies Act, 1960 before the learned Deputy Registrar, Co-operative Societies, R/ South Ward, Kandivali at Mumbai shall be kept in abeyance pending decision of above mentioned Appeal and Revision.

6. In the light of the above terms, both the Writ Petitions stand disposed of."

4. Accordingly, the above Writ Petitions are disposed of in terms of the consent minutes of the order, with no order as to costs.

(MADHAV J. JAMDAR, J.)