

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1581 OF 2020

Loni Vikas Seva Society Ltd.
Through Chairman Mohan B Kanavalu ...Petitioner
Versus
The Assistant Registrar,
Co-operative Societies,
Vaduj, Tq-Khatav, Dist. Satara & Ors. ...Respondents
...

Mr. Saurav N. Katkar i/b Mr. Amar D. Parsekar and Mr. Shantanu Roktate
for the Petitioner.

Mr. Y.D. Patil, AGP *for Respondent Nos.1 and 2-State.*

...
CORAM: SANDEEP V. MARNE, J.
DATE : 4th May 2023.

P.C.:

1 By this Petition, Petitioner challenges the order dated 16th April 2019 passed by the Divisional Joint Registrar of Co-operative Societies, Kolhapur by which the order dated 21st February 2018 passed by the Assistant Registrar of Co-operative Societies, Vaduj, Taluka Khatav, District Satara, came to be confirmed. The Assistant Registrar has admitted Respondent No.3 as a member of Petitioner-Society after recording a finding that Respondent No.3 possesses the requisite eligibility criteria for being admitted as member.

2 The learned Counsel for Petitioner-Society raises objections to the membership of Respondent No.3 stating that Respondent No.3 did not submit the application to Petitioner-Society but submitted the same directly before the Assistant Registrar. He would submit that Petitioner-Society is not even aware of who Respondent No.3 is and without holding any interaction with Respondent No.3, Petitioner-Society cannot be forced to admit him as a member. The next contention of the learned Counsel for Petitioner is that the membership fee and share fee in respect of Respondent No.3 is deposited by Mr. Suresh Shinde and the same is not deposited by Respondent No.3. Despite this, the Assistant Registrar has recorded a finding in his order that Petitioner-Society did not produce any evidence to show that the deposit of money is by a third person.

3 I have considered the submissions canvassed by the learned Counsel for Petitioner-Society. So far as the first ground of challenge about non-submission of application to Petitioner-Society is concerned, a finding is recorded to the effect that the office of Petitioner-Society was found to be shut and therefore, Respondent No.3 was required to file

application directly before Respondent No.1. Respondent No.1 later forwarded application of Respondent No.3 to Petitioner-Society. Therefore, this cannot be a ground for setting aside the orders passed by the Assistant Registrar and the Divisional Joint Registrar.

4 So far as the second ground raised by the learned Counsel for Petitioner-Society is concerned, I find that once the Authorities arrive at a conclusion that Respondent No.3 fulfilled the requisite eligibility criteria for being admitted as member of Petitioner-Society, mere non-conduct of interaction with Respondent No.3 by Petitioner-Society would not be a reason for rejection of his membership.

5 Coming to the last ground strenuously argued by the learned Counsel for Petitioner-Society about deposit of membership fees and share money by a third person, Petitioner-Society has relied upon the challan of Satara District Central Co-operative Bank Limited depositing amount of Rs.100/- each towards membership fees and share money. The learned Counsel for Petitioner-Society has invited my attention to

the signature of the person making deposit and he would compare the said signature with the signature of witness on the application form submitted by Respondent No.3. He would submit that the said witness (Mr. Suresh A. Shinde) has made the deposit towards membership fees and share amount. The Assistant Registrar has recorded a specific finding that the Petitioner-Society could not produce any evidence in support of his contention that the deposit was made by third party.

6 I have gone through the Revision Petition filed by Petitioner-Society before the Divisional Joint Registrar and I find that Petitioner-Society did not plead anything about the deposit being made by Mr. Suresh A. Shinde by placing reliance on challan of the Bank. Thus even before the Divisional Joint Registrar, the Petitioner-Society did not produce any documentary evidence in support of his contention that the deposit was made by third party. Petitioner-Society cannot now be permitted to produce additional documents, which were not produced before the Authorities below. Such additional documents which were not placed before those authorities would not vitiate their orders.

7 Both the Authorities have arrived at a conclusion that Respondent No.3 fulfills the eligibility criteria prescribed for admission as a member of Petitioner-Society. Therefore, no error is committed by both the Authorities in directing admission of Respondent No.3 as member of Petitioner-Society.

8. Petition filed by Petitioner-Society is devoid of merits. It is dismissed without an order of costs.

(SANDEEP V. MARNE, J.)

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signed by
SUDARSHAN
RAJALINGAM
KATKAM
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