

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.414 OF 2023

Joshiba Majoor Kamgar Sahkari Sanstha Maryadit, Umarsara (Old), Tq. & Dist. Yavatmal and
anr.

-vs-

The Deputy Registrar, Co-operative Society, Yavatmal

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri C. A. Babrekar, Advocate for petitioners.
Ms N. P. Mehta, Assistant Government Pleader for respondent.
Shri Firdoz Mirza, Advocate for applicant/Intervenor.

CORAM : SUNIL B. SHUKRE AND MRS VRUSHALI V. JOSHI JJ.

DATE : February 10, 2023

Civil Application (CAW) No.387/2023

Heard.

In this petition the petitioners seek a direction to the Deputy Registrar, Co-operative Society, Yavatmal to issue solvency certificate to the petitioners-Societies which are Labour Co-operative Societies. According to the learned counsel for the petitioners, as per the Circular issued by the Co-operation Department, a choice has been given to Labour Co-operative Societies to apply to District Labour Co-operative Federation or to the District Deputy Registrar, as the case may be for issuance of solvency certificate and the petitioners have chosen to apply to the District Deputy Registrar for issuance of such certificate and therefore this application moved by the applicant-District Labour Co-operative Federation is not maintainable in law. He submits that in the petition filed by the Labour Co-operative Societies, the Federation like the applicant cannot intervene and say that it must be made party to the petition.

Learned counsel for the applicant submits that the applicant-District Labour Co-operative Federation is empowered to issue solvency certificate under its bye-laws, which are in the nature of

subordinate legislation and therefore so called choice given to the Labour Co-operative Societies like the petitioners under any executive instructions cannot override the binding provisions of the bye-laws. He further submits that in case, the applicant-District Labour Co-operative Federation is permitted to intervene in the matter, it will be able to assist the Court for effective adjudication of the issue involved in the petition.

Considering the rival submissions made across the bar, we are of the view that allowing this application for intervention can only lead to rendering of assistance to the Court in appropriate adjudication of the issue involved in this petition and therefore the application needs to be allowed.

Civil Application No.387/2023 is allowed. The applicant is permitted to intervene in the petition. It be added as party respondent No.2. Necessary amendment be carried out to the cause title on or before the next date.

Civil Application is disposed of accordingly.

Civil Application (CAW) No.432/2023

Heard.

For the reasons stated in the application, the amendment is allowed. Same be carried out on or before the next date.

Copy of amended petition be furnished to the respondent.

Civil Application is disposed of.

Writ Petition No.414/2023

Stand over two weeks.

(Mrs Vrushali V. Joshi, J.)

(Sunil. B. Shukre, J.)