

rrpillai

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13298 OF 2023**

Sameer Hafiz ... Petitioner
Vs.
Divisional Joint Registrar and Others ... Respondents

Mr. Shreyas Jain for the Petitioner.
Mr. P. V. Nelson Rajan, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 16th APRIL 2024

P.C.

1. This petition takes an exception to the order dated 13th February 2023 passed by the Divisional Joint Registrar admitting the appeal and granting stay to order dated 9th January 2023. Order dated 9th January 2023 is passed under Section 75(5) read with Section 78(A)(1)(b) of the Maharashtra Co-operative Societies Act, 1960 ("MCS Act") directing removal of committee members. The committee members have challenged the said order before the Divisional Joint Registrar.

2. Learned counsel for the petitioner submits that on his complaint order dated 9th January 2023 was passed. He submits that though there is an order of stay granted and the appeal and revision application was listed for hearing, same was adjourned and is not being heard because the board was discharged.

3. Except for making the said grievance that the appeal and revision is not being heard as the board is discharged, other arguments made on behalf of the petitioner are pertaining to the merits of the revision and appeal which is still pending.

4. Learned counsel for the petitioner states that the next date before the Divisional Joint Registrar is 30th April 2024.

5. The impugned order is interim in nature. The main proceeding are still pending. I do not see any reason to interfere with the same on the ground that the Revision Application and Appeal is not heard because the board was discharged. As per the learned counsel for the petitioner next date is 30th April 2024. It is not his case that no date has been assigned. It is also not his case that the revision and appeal is being adjourned for no reason at all.

6. Perusal of the impugned order indicates that after verifying the documents and recording reasons order dated 9th January 2023 is stayed. I do not see any error or illegality in the impugned order.
7. The petition is devoid of any merits. Hence petition is dismissed.
8. Learned counsel at this stage insist for issuing direction for fixing some time bound schedule for hearing of revision and appeal. I do not see any exceptional reasons for issuing the direction. Hence prayer is rejected.

[GAURI GODSE, J.]