

VRJ

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

**INTERIM APPLICATION NO.2123 OF 2022
IN
WRIT PETITION NO.5478 OF 2004**

VAIBHAV
RAMESH
JADHAV
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VAIBHAV RAMESH
JADHAV
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Nikhil Kantilal Gala & Anr.	... Applicants
<i>In the matter between</i>	
Nikhil Kantilal Gala & Anr.	... Petitioners
V/s.	
The State of Maharashtra & Ors.	... Respondents

Mr. Dishang Shah i/by Mr. P. M. Shah for the applicant.

Ms. M. S. Srivastava, AGP for the State/respondent
No.1.

Mr. Kalpesh Nansi for respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 23, 2024

P.C.:

1. The interim application is for restoration of the writ petition. While dismissing the writ petition this Court clarified that in case cause of action survives, it will be open for the petitioners to revive the writ petition. The legal representatives of the petitioner filed the review application but while rejecting the review application this Court clarified that if cause of action survives, it will be always open to revive the writ petition.

2. The writ petition arises out of refusal to grant membership under the provisions of the Maharashtra Cooperative Societies Act,

1960. The order of the Registrar granting membership is set aside by the Appellate Authority. Therefore, the cause of action for prosecuting the writ petition survives. Hence, the restoration application needs to be allowed.

3. The interim application is allowed.
4. The Writ Petition No.5478 of 2004 is restored to the file.
5. List the writ petition for final hearing on **16th February 2024**.

(AMIT BORKAR, J.)