

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7772 OF 2024

Veena Geet Sangeet Sangotri Yamnotri
Co.Op. Housing Society Ltd. ...Petitioner

Versus

Division Joint Registrar Co-operative
Societies Mumbai Division and Ors. ...Respondents

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Ms. Minal Chandnani a/w T. Mehta i/b Lexim Assocaites for the
Petitioner.

Mr. J.P. Patil, AGP for the Respondent Nos. 1 and 2/State.

Mr. Pankaj Kawali a/w N.S. Rajeshirke for Respondent No.3.

CORAM : M.M. SATHAYE, J.
DATE : 29 MAY 2024
(VACATION COURT)

P.C. :

. Heard learned counsel for the Petitioner, learned AGP for
Respondent Nos. 1 and 2/State and learned counsel for Respondent
No.3.

2. By this petition, the Petitioner has challenged the Order dated
23.04.2024 passed by the Divisional Joint Registrar Co-operative
Society, whereunder stay application of the Petitioner filed in
Revision Application No. 67 of 2024, is rejected. It is submitted

that the Revision is yet to be heard on merits which is now posted on 06.08.2024 for further hearing.

3. The effect of the refusal of stay is that the Petitioner Society is obliged to issue maintenance bills of the premises in possession of Respondent No.3 only to the extent of 1850 sq. ft. It is submitted that the Petitioner Society has good case on merits and if the interim stay is not granted during pendency of the revision, the Petitioner Society will suffer irreparable loss.

4. On the other hand, learned counsel for Respondent No.3 submitted that the dispute about maintenance payable to the society is already sub-judice in an independent proceedings which are pending before the Deputy Registrar of Co-operative Societies, Mumbai. He submits that the Revision Application can be considered on merits and the refusal of stay is proper.

5. Learned AGP for Respondent Nos. 1 and 2, on instructions states that pending revision application can be disposed of within a period of eight weeks.

6. I have perused the impugned order. Considering the dispute involved in the matter, this Court is of the view that if the merits of the revision application are yet to be decided finally, it will be in the interest of both the parties if the impugned order dated 09.01.2024 and order issued under Section 89A of the Maharashtra Co-operative

Societies Act, 1960 are kept in abeyance.

7. In that view of the matter, without observing anything on merits to avoid prejudice to either party, the impugned order is quashed and set aside. The Divisional Joint Registrar, Co-operative Societies is directed to decide the Revision Application No. 67 of 2024 filed by the Petitioner within a period of 8 weeks from today. The parties are directed to appear before the said Authority on 10.06.2024 at 11.00 a.m. The parties assure through their respective counsel that they will not seek unnecessary adjournment and will co-operate for timely disposal of the matter.

8. During pendency and till the disposal of the said revision application, both the orders dated 09.01.2024 passed by Dy. Registrar Co-operative Societies R-South ward, Mumbai on Respondent No. 3's complaint and passed under Section 89A of the said Act, shall stand stayed.

9. Writ Petition is disposed of. All concerned to act on duly authenticated/digitally signed copy of this order.

(M.M. SATHAYE, J.)