

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11303 OF 2024**

Javeed Ismail Khatri

... Petitioner

versus

Ashoka Shopping Centre Premises and ors.

.... Respondents

Mr. Prashant P. Kulkarni along with Ms. Rachna Mamnani, Advocate for the Petitioners.

Mr. P. Ranjan i/b. Mr. Shashank Borade, Advocate for Respondent No.1.

Ms. Aloka A. Nadkarni, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE : 6th SEPTEMBER, 2024.

P.C. :

1. Both sides are heard for some time.
2. The grievance of the petitioner is that interim stay has been granted to the order passed by the Deputy Registrar without hearing him. It is further contended that though caveat is filed and notice was served to contesting respondent, no opportunity of hearing was given.
3. This submission is responded by the counsel for respondent-Society contending that as on the date of filing of appeal before Divisional Joint Registrar, no caveat was received. It is his submission that even on the basis of the documents placed before this Court, it cannot be said that the caveat was served before filing of the proceedings.

4. The petitioner has also grievance that interim relief has been granted, however, now the proceedings are postponed for hearing by three months.

5. There is substance in the contention of learned counsel for the petitioner that once the interim relief has been granted in view of the proviso to Section 152 of the Maharashtra Co-operative Societies Act 1960, such proceedings are required to be decided within a period of three months.

6. The Divisional Joint Registrar was, therefore, not justified in postponing the hearing by three months. Considering the issue involved in the present case, the Divisional Joint Registrar is directed to decide the appeal within a period of one month from today.

7. The parties are directed to appear before the Divisional Joint Registrar on 10th September 2024.

8. The petition stands disposed of.

(R. M. JOSHI, J.)