

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 12128 OF 2024**

Zubair Agboatwala and Anr.

... Petitioners

Versus

Assistant Registrar Co. Op. Soc.
E Ward Bhoruka Charitable and Anr.

... Respondents

.....

Mr. Sharique Nachan a/w. K. Agboatwala ib. Taha Shaikh, Advocate for the Petitioners.

Mr. Asif Shaikh, Advocate for Respondent No.2.

Smt. V.R.Raje, AGP for Respondent No.1-State.

CORAM : R. M. JOSHI, J.**DATED : 4th SEPTEMBER, 2024.****P.C. :**

1. Heard.
2. Learned counsel for the petitioners has drawn attention of this Court to the Roznama recorded by the Registrar, Co-operative Societies dated 10.07.2024 wherein it is seen that an application was filed for seeking document by the petitioner from contesting respondent. Though such direction was given, without waiting for a response of the petitioner thereto, the proceedings were closed for decision. Pursuant to this order the impugned order came to be passed.
3. Learned counsel for the contesting respondent raises objection with regard to the maintainability of the petition on the ground that there

is alternate remedy available against the impugned order. This contention is opposed by the counsel for the petitioner on the ground that the rules which are mandatory in nature are not complied with and on the face of it the order is in violation of principles of natural justice.

4. In such circumstances, atleast at this stage this Court is not inclined to accept the contentions of the learned counsel for the respondent with regard to the maintainability of the petition. The said contention is kept open for the decision at appropriate stage.

5. Prima facie an arguable case is made by the petitioner in order to stay the impugned order till contesting respondent files response to the petition. Hence, impugned order shall stand stayed.

6. Learned AGP Smt. Raje waives service of notice for Respondent No.1. Advocate Mr. Shaikh waives service of notice for respondent No.2.

7. Stand over to **23rd September, 2024.**

(R. M. JOSHI, J.)

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