

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1023 WRIT PETITION NO. 3708 OF 2023

WITH

WRIT PETITION NO. 3695 OF 2023

**SAMPADA NAGARI SAHAKARI PATSANSTHA LTD THROUGH ITS
LIQUIDATOR AND ANOTHER**

VERSUS

THE DIVISIONAL JOINT REGISTRAR AND OTHERS

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Advocate for the Petitioners : Mr. Dighe Vitthal Haribhau

AGP for Respondent Nos. 1 & 2/State : Mr.D.R. Korde

Advocate for Respondent No. 3 : Mr. Wagh Shrinivas S. and Mr.D.R
Kale

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 12.12.2025

PER COURT :

1. The Writ Petition No. 3695 of 2025 is not on board. After mentioning, the same is taken on record.
2. Heard the learned Counsel for the respective parties.
3. The present petitions are arising out of the orders dated 27.02.2023 passed by the Divisional Joint Registrar, Co-Operative Societies, Nashik in Revision Application Nos. 3 of 2023 and 04 of 2023, whereby, Revision Applications filed by respondent No. 3 in both the petitions came to be allowed.
4. Mr. Dighe, learned Counsel for the petitioners submits that the husband of respondent No. 3 in Writ Petition No. 3695 of 2025 was director of the Society and the society had undergone liquidation because fraud committed by its Members and the

Directors. Thereafter, the authority under the Maharashtra Co-Operative Societies Act, 1960 (for short "the Act") initiated inquiry against the husband of respondent No. 3 under Section 88 of the Act and liability was fastened upon him. Accordingly, attachment order was passed and the same was challenged by respondent No. 3 by filing Revision Application under Section 154 of the Act.

5. The learned Counsel for respondent No. 3 submits that respondent No. 3 raised a ground that the properties shown in her name were received by her as "Srithan" from her husband. The respondent No. 3 and her husband had obtained divorce and in the decree dated 22.07.2000 passed by the Civil Court it is mentioned that the said properties were held to be "Sridhan" of respondent No. 3. The said properties were attached without giving any notice to her, which she has challenged.

6. The learned Counsel for the petitioner further submits that before the Revisional Authority it was pointed out that the marriage between respondent No.3 and her husband was solemnized on 27.02.1999 and hardly after one and half year they obtained a divorce decree which was a collusive attempt on the part of the husband Gitaram to avoid the liability fasten upon him under Section 88 of the Act.

7. The learned Counsel for the petitioner also submits that despite of divorce decree having passed on 22.07.2000, the respondent no. 3 had begotten a son and a daughter and therefore to avoid the

recovery of amount the said divorce decree was obtained. This ground was raised by the petitioner Society before the Divisional Joint Registrar but the same was not considered by it.

8. I have gone through the orders passed by the Divisional Joint Registrar which are challenged in both petitions. I am of the view that the Divisional Joint Registrar had not considered the contention raised by the petitioner Society with regard to the collusive divorce obtained by the respondent No. 3 and her husband.

9. The Divisional Joint Registrar had not considered the other grounds raised by the petitioner Society, therefore, I am inclined to allow the present petition, thereby setting aside the orders under challenge and remanding the matters to the Divisional Joint Registrar, Co-Operative Societies, Nashik.

10. In view thereof, the Writ Petitions are partly allowed. The orders dated 27.02.2023 passed by the Divisional Joint Registrar, Co-Operative Societies, Nashik in Revision Application Nos. 3 of 2023 and 04 of 2023 are quashed and set aside.

11. The matters are remanded to the Divisional Joint Registrar, Co-Operative Societies, Nashik for a fresh consideration thereon.

12. The Revision Applications filed by the petitioner are restored to its original position.

13. The Divisional Joint Registrar, Co-Operative Societies, Nashik to decide the Revision Applications after considering all the

grounds raised by the petitioner.

14. All the issues are kept open.

15. The parties to appear before the Divisional Joint Registrar,
Co-Operative Societies, Nashik on 29.12.2025.

(SIDDHESHWAR S. THOMBRE, J.)

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