

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

CIVIL WRIT PETITION NO. 1766 OF 2024

Dattatrey Shankar Sahastrabuddhe ..Petitioner
Versus
Divisional Joint Registrar Co-operative ..Respondents
Societies, Pune & Ors.

Mr. Mandar Limaye a/w. Vedant Bende and Sagar Patil for
Petitioner.
Mr. R. S. Pawar, AGP for State/ Respondent Nos.1 & 4.
Mr. Rahul S. Kadam for Respondent No.3.

CORAM : AMIT BORKAR, J.
DATE : 13 NOVEMBER 2025

PC :

1. The petition raises a narrow but important issue. Three legal representatives claim their right to membership of the society on the basis of a Will. There is no quarrel about the execution or validity of the Will. The dispute concerns only the question of who should be accepted as the member. The Revisional Authority has confirmed the membership of one of the legal representatives. The petitioner challenges this decision. The challenge rests on a document dated 18 October 2007. According to the petitioner, this document was submitted by all three beneficiaries in reply to the society's communication dated 15 October 2007 asking them to decide among themselves who would hold membership.

2. The petitioner submits that the beneficiaries had, through this document, agreed to the petitioner being made the member. The Revisional Authority has referred to this document. It has not, however, examined its effect on the dispute. A document that is claimed to express a consensus among all beneficiaries cannot be put aside without a fair and reasoned consideration. A decision on membership that ignores such material creates an element of uncertainty. It deprives the parties of a proper adjudication of their rights flowing from the Will and the subsequent conduct.

3. The contesting respondent has disputed this document. When a party disputes a document that is relied on by the opposite side, the adjudicating authority must address the dispute. It must examine the document in the presence of both sides. It must allow the parties to place their material. The authority must then take a considered view. The Revisional Authority has not undertaken this exercise. The matter therefore calls for a remand. The Revisional Authority must reconsider the question of confirmation of membership after examining the document dated 18 October 2007 and after giving both sides a full opportunity of hearing.

4. The impugned order dated 7 December 2021 in Revision Application No. 158 of 2016 cannot stand. It is quashed and set aside.

5. Revision Application No. 158 of 2016 is restored to the

file of the Revisional Authority.

6. The parties shall remain present before the Revisional Authority on 24 November 2025 at 10.30 a.m.

7. The Revisional Authority shall decide the revision within a period of three months from the said date. The authority shall consider the document dated 18 October 2007 and shall decide the issue of membership in accordance with law.

8. All contentions of the parties are kept open.

9. The petition is disposed of.

(AMIT BORKAR, J.)