



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

**INTERIM APPLICATION NO.8112 OF 2024
IN
WRIT PETITION NO.8990 OF 2005
WITH
WRIT PETITION NO.8990 OF 2005**

The Municipal Officers Worli Co-op. Hsg. Soc. Ltd. ... Applicant/Petitioner
versus
Ramchandra Sakharam Phadke (deceased)
and Ors. ... Respondents

Mr. Vikram N. Walawalkar, for Applicant/Petitioner.
Mr. A.G.Pandit, for Respondents.

CORAM: N.J.JAMADAR, J.

DATE : 18 AUGUST 2025

P.C.

1. Heard the learned Counsel for the parties.
2. This application is preferred seeking permission to bring the legal representatives of Respondent No.1 on record who passed away on 15 September 2011.
3. The Application is opposed by the legal representatives of Respondent No.1 on the ground of delay as well as sufficiency of reasons ascribed for the condonation of delay.
4. The deceased Respondent No.1 had filed an appeal before the Deputy Registrar under Section 23 of the Co-operative Societies Act, 1960, which

was dismissed by the Deputy Registrar and, in Revision Application, by the order impugned in the Writ Petition, the Joint Registrar allowed the said Appeal, and directed the Petitioner Society to admit the deceased Respondent No.1 as a member of the Society.

5. Mr. Pandit, the learned Counsel for the deceased Respondent No.1, submitted that after the demise of the Respondent No.1, the legal representatives of the Respondent No.1 had filed a fresh Application for grant of membership of the Respondent No.1 Society. As no action was taken within the stipulated period, the legal representatives of the deceased Respondent No.1 had filed proceedings on 21 August 2012 before the Deputy Registrar under Section 23 of the Act, 1960.

6. Mr. Pandit further submitted that the legal representatives are willing to file a fresh application under Section 23 of the Act, 1960 before the Deputy Registrar as it was a personal right of membership of the deceased Respondent No.1 and, thus, the Application for membership of the legal representatives of the deceased Respondent No.1 can be decided by the Deputy Registrar on its own merits. The Petition itself is, therefore, rendered infructuous, submitted Mr. Pandit.

7. Mr. Walawalkar, the learned Counsel for the Petitioner, submitted that the Petitioner is not averse to the aforesaid proposal. In the event, the legal representatives of the deceased Respondent No.1 file such an appeal, the

Petitioner be permitted to raise all contentions which are available in law in the said appeal.

8. In view of the aforesaid submissions, at this stage, there does not seem any propriety in entertaining the application to bring the legal representatives of the deceased Respondent No.1 on record. In fact, the Petition itself can be disposed by giving liberty to the legal representatives of the deceased Respondent No.1 to file an appeal under Section 23 of the Act, 1960, before the Deputy Registrar for grant of membership of the Petitioner Society.

9. Hence, the following order :

ORDER

- (i) The Writ Petition stands disposed.
- (ii) In view of the disposal of the Petition, Interim Application stands disposed.
- (iii) Rule discharged.
- (iv) The legal representatives of the deceased Respondent No.1 are permitted to file an appeal under Section 23 of the Act, 1960, before the Deputy Registrar within a period of one month from today.
- (v) In the event, such an appeal is filed, the Deputy Registrar shall decide the same as expeditiously as possible, after giving an opportunity to the parties and without being influenced by the impugned order as well as the order passed by the Deputy Registrar.

(vi) In such appeal, the Petitioner shall be at liberty to raise all contentions which are available in law.

(N.J.JAMADAR, J.)