

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2603 OF 2024

Samarth Garden CHS Ltd.

...Petitioner

V/s.

Sundeep D'Souza and Ors.

...Respondents

Mr. Yogesh Deshpande with Mr. Mahesh Karule, Mr. Pranav Rane i/b. M/s. YKD & Associates for the Petitioner.

Mr. Mavlik Tanna with Mr. Krupesh Bhosle for Respondents.

Mrs. V.R. Raje, AGP for Respondent-State.

CORAM: SANDEEP V. MARNE, J.

Dated: 24 March 2025.

P.C.:

1) Petition challenges common order dated 2 February 2023 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai, dismissing 157 revision applications preferred by the Petitioner-Society and confirming orders passed by the Assistant Registrar, Co-operative Society under the provisions of Sections 23(2) and 154B-27 (2) of the Maharashtra Co-operative Societies Act, 1960.

2) The Petitioner-society filed Writ Petition No.6188 of 2023 challenging the order dated 2 March 2023 passed in respect

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of only one member viz., Mr. Narendra Kumar Dubey and Mrs. Sadhana Narendra Dubey. The said Petition has been dismissed by this Court by judgment and order dated 26 April 2024 upholding the common order passed by the Divisional Joint Registrar on 2 March 2023. It appears that Petitioner -Society had filed an application seeking review of the judgment and order dated 26 April 2024, which has been withdrawn on 3 March 2025 with liberty to challenge the judgment under review.

3) Since the impugned order dated 2 March 2023, which is challenged in the present Petition has already been upheld by judgment dated 26 April 2024 passed in Writ Petition No.6188 of 2023, in my view the present Petition also deserves to be dismissed for the reasons as recorded in the judgment and order dated 26 April 2024.

4) In fact, this Court does not appreciate action on the part of Petitioner-Society in belatedly filing the present Petition in January 2024 i.e. after lapse of period of about 10 long months from the date of passing of impugned order dated 2 March 2023. It appears that while dismissing Writ Petition No.6188 of 2023 this Court had noticed conduct on the part of the Petitioner-Society in selectively challenging order dated 2 March 2023 only *qua* one member while not challenging the said order in respect of remaining 156 members. It appears that present Petition is filed as an afterthought after the judgment was reserved in Writ Petition No.6188 of 2023 on 24 January 2024. Be that as it may.

Since this Court has already applied its mind to all the contentions sought to be raised by the Petitioner-Society about entitlement of 157 persons to be admitted as its members, I do not see any reason to take a different view than the one taken by the co-ordinate Bench of this Court in Writ Petition No.6188 of 2023. Petition is accordingly dismissed.

[SANDEEP V. MARNE, J.]