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

WRIT PETITION NO.10472 OF 2024

Arvind Monshi Dedhia

... Petitioner

V/s.

Divisional Joint Registrar, Coop.
Societies, Mumbai & Ors.

... Respondents

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Mr. Sachindra S. Shetye with Mr. Akshay Pansare, Ms.
Dhanashri Mondkar and Ms. Vrushali Ghevade for the
petitioner.

Mr. Hamid D. Mulla, AGP for respondent Nos.1 and 2-
State.

Mr. Dushyant Purekar for respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 3, 2025

P.C.:

1. The present writ petition arises from proceedings under Section 23 of the Maharashtra Cooperative Societies Act, 1960. The petitioner claims that he is entitled to the ownership of the property on the basis that he already holds 50% rights and the remaining 50% rights were transferred to him by his son through a duly registered deed of transfer. When the society refused to recognize this transfer and declined to transfer the 50% share in his name, the petitioner preferred an appeal before the Appellate Authority. By its order dated 7 December 2023, the Appellate Authority allowed the appeal and directed the society to effect the transfer of the son's 50% share in favour of the petitioner.

2. Respondent No.3, who is the daughter-in-law of the petitioner and who has filed matrimonial proceedings against the petitioner's son, preferred Revision Application No.10 of 2024 before the Revisional Authority. By the impugned order dated 22 May 2024, the Revisional Authority allowed the revision on the reasoning that transfer of share by the husband deprives the wife of her rights, and therefore, such transfer is not legal.

3. On careful consideration, I find that the approach adopted by the Revisional Authority cannot be sustained. The legal position is firmly settled that membership conferred by a cooperative housing society is not conclusive proof of ownership of the property. The society is concerned with the administration and internal management of its affairs, particularly with recognizing who is entitled to be a member based on lawful documents such as registered instruments. However, such recognition by the society neither creates nor extinguishes ownership rights. Disputes relating to ownership or competing claims of title fall within the exclusive jurisdiction of the civil court, and a person aggrieved must adopt that remedy.

4. Therefore, once a registered deed of transfer was executed by the son in favour of the petitioner, the society was competent to transfer the share in the name of the petitioner. The Revisional Authority, while exercising jurisdiction under Section 23(2) of the Maharashtra Cooperative Societies Act, could not have adjudicated upon civil or matrimonial rights or questioned the validity of the transfer merely because respondent No.3 has independent claims in matrimonial proceedings. Her rights, if any, remain protected in

appropriate civil or matrimonial jurisdiction, but they cannot defeat the limited statutory mechanism provided for transfer of membership under the Cooperative Societies Act.

5. In view of this clear position of law, the order of the Revisional Authority dated 22 May 2024 is unsustainable. The writ petition, therefore, deserves to be allowed. Rule is made absolute in terms of prayer clause (a). There shall be no order as to costs.

6. It is, however, clarified that the recognition of petitioner's membership in the society shall not prejudice or affect the civil or matrimonial rights, if any, of respondent No.3, which she may pursue before the competent forum.

(AMIT BORKAR, J.)