

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SHABNOOR
AYUB
PATHAN

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WRIT PETITION NO.12516 OF 2024

Asha Ashok Asrani & Anr. ... Petitioners
V/s.
Divisional Joint Registrar,
Cooperative Societies & Ors. ... Respondents

Ms. Rima Merchant, for the Peitioners.

Ms. V. R. Raje, for the State – Respondent Nos.1 & 2.

Mr. Darshit K. Jain i/b Ms. Divya Jain, for Respondent
Nos.3 & 4.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 19, 2025

P.C.:

1. The present Petition arises out of proceedings instituted under Section 23(2) of the Maharashtra Cooperative Societies Act, 1960 (“the MCS Act”), wherein the names of three persons have been directed to be entered as joint members of the concerned Housing Society to the extent of 40%, 30% and 30% respectively.
2. The objection raised on behalf of the petitioner is that such order takes away rights of the petitioner which are subject matter of the proceedings under Civil Suit pending before the competent Civil Court.
3. It is well settled that any adjudication made by the Registrar while exercising power under Section 23(2) of the MCS Act, shall not operate as *res judicata* in a substantive civil proceeding. The

observations and findings recorded in the order under Section 23(2) of the MCS Act, shall, therefore, remain, subject to the final outcome in the Civil Suit, and shall not in any manner, affect or prejudice the rights and contentions of any of the parties to the said suit.

4. With this clarification, the petition stands disposed of. No costs.

(AMIT BORKAR, J.)