

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13885 OF 2024

Krishna Kunj Annexe Co-op.
Housing Society Ltd. and Ors.

...Petitioners

V/s.

Elite Diagnostic Center Pvt. Ltd.
and Ors.

...Respondents

Mr. Shriram Kulkarni *with Ms. Minal Chavan and Ms. Vrushali U. Kabare for the Petitioners.*

Mr. P.K. Dhakephalkar, *Senior Advocate (through VC) with Ms. Geetanjali Shelar for Respondent No.1.*

Mrs. V.S. Nimbalkar, *AGP for Respondent Nos.4 and 5.*

Dr. Satish Sharma, Director of Respondent No.1, present.

CORAM : SANDEEP V. MARNE, J.

Dated : 5 February 2025.

P.C. :

1) The Petition challenges order dated 3 September 2024 passed by the Divisional Joint Registrar, Co-op. Societies, Mumbai Division, Mumbai, ordering de-registration of the Society. There is alternate and equally efficacious remedy of filing revision before the learned Minister, Co-operation against the order dated 3 September 2024.

2) This Court was persuaded to entertain the present Petition on account of a doubt expressed by the Petitioners about an additional pleading being filed through email on 3 September 2024 i.e. the date of passing of the impugned order. This Court directed the learned AGP to verify about the exact document that was transmitted through the said email. Learned AGP accordingly verified about the exact document that was transmitted through email. Learned AGP accordingly clarified on 17 December 2024 that what was transmitted by email dated 3 September 2024 was nothing but the affidavit-in-rejoinder, which was already served on Petitioner-Society on 20 June 2016. It therefore, appears that no additional pleadings were filed on 3 September 2024.

3) In my view therefore, Petitioners will have to exercise alternate remedy of revision before the learned Minister. Reserving the liberty to the Petitioners to file revision against the impugned order, Writ Petition is disposed of.

4) Time spent in prosecuting the Petition shall be considered for condonation of delay.

[SANDEEP V. MARNE, J.]