

AGK

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

**REVIEW PETITION NO.151 OF 2025
IN
WRIT PETITION NO.12579 OF 2024**

Gorakh Ishwar Dhone ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
REVIEW PETITION NO.156 OF 2025
IN
WRIT PETITION NO.12620 OF 2024**

Ramkeval Rajaram Chaurasia ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
REVIEW PETITION NO.152 OF 2025
IN
WRIT PETITION NO.12577 OF 2024**

Deepa Bharat Rane ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
REVIEW PETITION NO.155 OF 2025
IN
WRIT PETITION NO.12584 OF 2024**

Murlidhar Maruti Dhone ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
REVIEW PETITION NO.157 OF 2025
IN
WRIT PETITION NO.12582 OF 2024**

Bakelal Ramsagar Mishra ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
REVIEW PETITION NO.153 OF 2025
IN
WRIT PETITION NO.12583 OF 2024**

Surekha Ravikant Yadav ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
REVIEW PETITION NO.154 OF 2025
IN
WRIT PETITION NO.12585 OF 2024**

Pratika Vijay Keni ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
REVIEW PETITION NO.158 OF 2025
IN
WRIT PETITION NO.12576 OF 2024**

Pramod Upendra Chaudhary ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
REVIEW PETITION (ST.) NO.25350 OF 2024
IN
WRIT PETITION NO.12580 OF 2024**

Ravikant Namdev Yadav ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
REVIEW PETITION (ST.) NO.25351 OF 2024
IN
WRIT PETITION NO.9442 OF 2024**

Shilpa Pravin Jadhav ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
REVIEW PETITION (ST.) NO.25355 OF 2024
IN
WRIT PETITION NO.12581 OF 2024**

Shangar Singh & Anr. ... Petitioners
V/s.
State of Maharashtra & Ors. ... Respondents

**WITH
REVIEW PETITION (ST.) NO.25357 OF 2024
IN
WRIT PETITION NO.12578 OF 2024**

Vilas Jagannath Katkar ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

Mr. Vaibhav Ugle with Mr. Vikas Somawanshi, and Mr. Santosh Shukla for the petitioner in all Review Petitioners and for respondent Nos.5 & 6 in all WPs.

Mr. Mahindra Deshmukh for respondent Nos.2 and 3 in all Review Petitions.

Ms. Shraddha Nagaonkar with Mr. Sagar Shetty for respondent Nos.4 to 6 in all Review Petitions.

Mr. J.P. Patil, AGP for State in all Review Petitions.

Mrs. P.G. Gavhane, AGP for RWP/12585/2024.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 8, 2025

P.C.:

1. Since all these review petitions arise from the same set of facts and questions of law, they are being decided together by this common judgment and order.

2. In each of these petitions, the petitioner seeks review of the judgment and order dated 1 August 2024 passed by this Court, mainly on the ground that the basis on which the writ petitions were disposed of is contrary to the settled principles of law.

3. The brief facts leading to the filing of the present review petitions are as follows. The petitioners claim to be purchasers of certain units in the building constructed by respondent No.2-society. They filed applications before the Assistant Registrar under Section 22(2) of the Maharashtra Cooperative Societies Act, 1960, seeking membership of the respondent-society. The Assistant Registrar, after considering the registered sale deeds executed in their favour by the developer, granted them membership.

4. The society challenged these orders before the Revisional Authority. The Revisional Authority dismissed the revisions. Consequently, the society filed writ petitions before this Court. By judgment and order dated 1 August 2024, this Court allowed the writ petitions, holding that the petitioners had failed to produce copies of applications made to the society for obtaining membership, and that their claim regarding issuance of share certificates by the society was not substantiated. This Court further observed that if share certificates had in fact been issued, it would indicate pre-existing membership. In such a situation, the Assistant Registrar could not have exercised powers under Section 22(2) of the MCS Act. Accordingly, the orders granting membership were set aside.

5. The petitioners have now filed the present review petitions contending that, despite a finding in the earlier judgment indicating pre-existence of membership, the society is not recognizing them as members. It is urged that their claim of membership has been rejected on the ground that share certificates already exist, yet they are simultaneously deprived of the benefits arising from such share certificates.

6. The learned Advocate for the society has opposed the review petitions. It is submitted that the exercise of powers under Section 22(2) requires an application to be made by the concerned person to the society for membership, which the petitioners failed to submit. It is further contended that the share certificates relied upon by the petitioners are forged and fabricated documents. Hence, the petitioners are not entitled to claim any benefit or recognition on the basis of such documents.

7. Having heard the learned Advocates for the parties and on careful examination of the entire record, this Court finds that the submissions advanced on behalf of the petitioners are well supported by the material available. The review petitions, therefore, deserve to be allowed for the reasons recorded herein.

8. The grievance of the petitioners that the society, while relying on the earlier judgment, refuses to acknowledge them as members despite the finding of pre-existing membership, is justified. This has created a legal vacuum where the petitioners are neither recognized as members nor permitted to assert their rights as purchasers. Such a situation runs contrary to the intent of the

MCS Act, which aims to secure the rights of lawful purchasers and ensure fair functioning of cooperative societies.

9. The principles governing the exercise of review jurisdiction are well established. A review is maintainable when there is an error apparent on the face of the record, or when material evidence has been overlooked. The contradiction in the earlier judgment between the finding of pre-existing membership and the ultimate conclusion denying such membership amounts to an error apparent on the face of the record. Correction of such an error is not only permissible but necessary to prevent miscarriage of justice.

10. In light of the evidence on record, including registered sale deeds, verified admission procedures, and undisputed share certificates, this Court finds that the earlier judgment proceeded on an inconsistent and legally unsustainable reasoning.

11. For these reasons, this Court holds that sufficient grounds exist for review. The contradiction in the earlier judgment requires correction to uphold justice and consistency in the record.

12. Accordingly, the review petitions are allowed. The judgment and order dated 1 August 2024 in the writ petitions are recalled.

13. The respective writ petitions are restored on the file of this Court for decision on merits.

(AMIT BORKAR, J.)