

Tulips Co-operative Housing Society	...	Petitioner
versus		
The Dy. Registrar, Co-operative Housing, H/West Ward Mumbai and Ors.	...	Respondents

Mr. Prashant P. Kulkarni with Ms. Rachna Mamnani, for Petitioner.
Ms. A.A.Nadkarni, AGP for State.

DATE : 14 AUGUST 2025

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 25 June 2025 whereby the Revision Application preferred by the Petitioner – Society against an order dated 8 January 2025 passed by the Respondent No.1 – Deputy Registrar under Section 23(2) of the Maharashtra Co-operative Societies Act, 1960, thereby allowing the appeal preferred by the Respondent No.2 herein against the rejection of membership of the Petitioner's Society in respect of Flat No.603, came to be dismissed.
3. Mr. Kulkarni, learned Counsel for the Petitioner invited attention of the Court to an order dated 26 June 2012 passed by this Court whereby the said Petition was disposed recording the statement that the Petitioner therein would be enrolled as a member of the Respondent No.1 society within a

period of four weeks thereof, subject to :

- “(i) Keeping expressly open, the rights and contentions of the respective parties regarding open terrace adjacent to flat No.603.
- (ii) The outcome of the proceedings before the Co-operative Court.”

4. Mr. Kulkarni submits that the Respondent No.2 has acquired the suit Flat No.6903 from the Petitioner in CP No.186 of 2012. Dispute before the Co-operative Court is still subjudice.

5. It appears the dispute between the Petitioner Society and the Respondent No.2 pertains to the entitlement to the open terrace adjacent to Flat No.603. Since the predecessor in title of the Petitioner was to be granted membership of the Petitioner Society subject to the conditions stipulated above, there is no justification to deny membership to the Respondent No.2 subject to the said conditions. Therefore, this Court does not find any propriety in entertaining the Petition against the impugned order.

6. It is, however, clarified that the admission of Respondent No.2 as a member of the Petitioner Society qua Flat No.603 shall be subject to the aforesaid conditions.

7. Mr. Kulkarni further submits that the Petitioner Society has instituted a Suit bearing Suit No.732 of 2025 before the City Civil Court at Dindoshi and the grant of membership be made subject to the outcome of the said

proceeding.

8. Needless to clarify that if the Civil Court passes any order touching upon the title to the suit flat, the same would bind the parties.

9. The Writ Petition accordingly stands disposed.

(N.J.JAMADAR, J.)