

MPB

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

WRIT PETITION NO. 16354 OF 2025

Amit Suresh Sharma and Anr. ... Petitioners

V/s.

The District Deputy Registrar, Co-
operative Socceity, M Ward, Mumbai and
Ors. ... Respondents

Deepali B. i/by Bagla & Associates for the petitioners.

Mr. A. C. Bhadang, AGP for the State – Respondent
Nos. 1 & 2

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 8, 2025

P.C.:

1. Leave to amend is granted to implead Satyadevi Sharma as Respondent No. 5.

2. The petitioners assert that they are the legal representatives of the late Ishawardas Sharma. They rely on the fact that Ishawardas Sharma passed away on 10 September 1999. They claim succession under the personal law applicable to him. Their assertion of legal heirship gives them a direct and substantial interest in the dispute.

3. The record prima facie indicates that Ishawardas Sharma appears to have died intestate. After his demise, his wife Ratnidevi Sharma executed a registered gift deed in favour of the proposed Respondent No. 5. Respondent No. 5 asserts exclusive entitlement

on the strength of that deed.

4. Section 154B-13 obligates the authority to grant membership in favour of all legal representatives when the member dies intestate. Prima facie , the cooperative society is not expected to adjudicate questions of title or exclusivity of succession. It is only required to recognise all heirs who succeed by operation of law. In the absence of any testamentary disposition by the deceased, neither Ratnidevi nor Respondent No. 5 can assume exclusive title to the premises to the exclusion of the petitioners. The petitioners have a prima facie right to be heard in proceedings under Section 23(2) of the Act. Such proceedings cannot proceed to a conclusion without affording them an opportunity to contest the claim set up by Respondent No. 5. Their presence is therefore necessary for the lawful adjudication of the dispute.

5. Issue notice to Respondent No. 5 returnable on 22 December 2025.

6. Until further orders, there shall be ad interim relief in terms of prayer clause (b).

(AMIT BORKAR, J.)