



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9029 OF 2025
IN WP/11777/2017

Nandabai Jalindar Landge And Others
VERSUS
The District Deputy Registrar And Others

...
Advocate for Applicants : Mr. More Abhijit S.
AGP for Respondent/State : Mr. S.R. Yadav-Lonikar
Advocate for Respondent No.3 : Mr. Sanjay Gaikwad h/f Mr. N.V.
Gaware Patil

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : JANUARY 20, 2026

PER COURT :-

1. Heard.
2. Present application is filed for recall of order dated 13.06.2025 passed in Writ Petition No.11777 of 2017 and restoration of writ petition to its original position. It appears that Writ Petition No.11777 of 2017 was filed raising challenge to order dated 01.07.2017 passed by Deputy Registrar, Co-operative Societies, District Ahmednagar.
3. Perusal of order dated 01.07.2017 shows that Deputy Registrar, Co-operative Societies exercised powers under Section 11 and 25 of Maharashtra Co-operative Societies Act, 1960 and directed removal of 84 members of society on the ground that they are not compliant with conditions of membership stipulated under Maharashtra Co-operative Societies Act.
4. Mr. More, learned advocate appearing for applicants submits that inadvertently, statement was made on behalf of

petitioners that in view of subsequent election of society prayers in writ petition have been rendered infructuous, however, since issue of validity membership of 84 members was involved, writ petition ought to have been decided on merit instead disposing as infructuous. Hence, he seeks recall of order.

5. Mr. Gaikwad, learned advocate appearing for respondent no.3 objects to the maintainability of application. According to him, present application is not in the form of review. The application for recall of final order would not be maintainable under law.

6. Having considered submissions advanced by learned advocates appearing for respective parties and looking to the challenge in Writ Petition No.11777 of 2017, it can be observed that the issue in writ petition was regarding removal of members of society in terms of Section 25-A of Maharashtra Co-operative Societies Act. It was not a simple issue of election. Therefore, there appears substance in contention of Mr. More that writ petition requires decision on merit and same has been wrongly disposed of as infructuous, on the basis of inadvertent statement made by learned advocate.

7. In that view of the matter, present application deserves to be allowed in terms of prayer clause (B) and (C) and same is accordingly allowed.

(S.G. CHAPALGAONKAR, J.)