

Shabnoor

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

WRIT PETITION NO.16377 OF 2025

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Satyajeet Devidas Bade & Anr.

... Petitioners

V/s.

The Deputy Registrar,
Cooperative Societies & Ors.

... Respondents

Mr. Vivek V. Salunke a/w Mr. Manthan A. Chaudhari,
for the Petitioners.

Mr. Amol Gatne i/b Mr. Anand S. Shalgaonkar, for
Respondent No.3.

Mrs. M. S. Srivastava, AGP, for the State – Respondent
Nos.1, 2, 4 & 5.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 14, 2026

P.C.:

1. The present writ petition arises from proceedings under Section 22(2) of the Maharashtra Cooperative Societies Act, 1960. The basic facts necessary for deciding the petition are undisputed.

2. On 5 April 2020, the original owner and member of the society expired. He left behind his legal heirs, namely the petitioners and respondent No.2. It is also undisputed that the name of respondent No.3 was recorded in the society as an associate member. On 17 November 2020, respondent No.3 submitted an application to the society seeking membership. He did not refer to any Will in that application.

3. The society did not respond. Respondent No.3 therefore filed an application dated 30 April 2021 before the District Deputy Registrar under Section 22(2) of the MCS Act seeking conferment of deemed membership. The Registrar allowed the application. While doing so, the Registrar considered a Will which was allegedly executed in favour of respondent No.3.

4. The petitioners challenged the said order by filing a revision application. The revisional authority dismissed the revision. The petitioners have therefore approached this Court.

5. The petitioners state that criminal proceedings are already pending in respect of the said Will. They further state that a charge sheet has been filed against respondent No.3 in such proceedings.

6. The petitioners further state that the alleged Will, on the basis of which deemed membership has been conferred, was never referred to in the application submitted by respondent No.3 to the society. According to the petitioners, the Registrar could not have travelled beyond the scope of Section 22(2) of the MCS Act or beyond the limited inquiry contemplated by Section 154B-13 of the MCS Act.

7. Respondent No.3 states that on the date of filing the application with the society, he did not have a copy of the Will. He therefore states that he could not place the Will before the society at that stage.

8. I have gone through Section 154B-13 along with Section 22(2) of the MCS Act. These provisions show that the claim made before the society must decide the scope of the proceeding. Here,

the petitioners had claimed membership only as legal heirs of the original member. Respondent No.3, when he first approached the society, also claimed membership without relying on any Will. The alleged Will was never part of the claim before the society. The Registrar could not widen the scope of the proceedings by considering the Will for the first time. The legal heirs have a right to put forward their claim to the membership. If respondent No.3 wishes to rely on the Will, the petitioners must get a fair chance to meet that claim before the society. The society must then follow the procedure laid down in Section 154B-13 and decide the matter. The Registrar did not follow this process. The order passed without following the correct procedure cannot stand. I set aside the impugned orders.

9. Respondent No.3 is free to file a fresh application before the society based on the alleged Will. The society shall consider such application as per law. The society shall also give the petitioners a full opportunity to reply.

10. If any party is aggrieved by the decision of the society, that party can take further remedy as permitted in law.

11. Even if the society or Registrar does not accept respondent No.3's claim based on the Will, his status as an associate member shall continue. His status can change only if it is decided through proper legal proceedings as per the Act.

12. The observations in this order shall not affect any pending proceedings or any future proceedings between the parties.

13. The petitioners are free to apply for interim relief in the civil suit if they wish to do so.

14. The petition is disposed of in the above terms.

(AMIT BORKAR, J.)