

Shabnoor

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

WRIT PETITION NO.13449 OF 2025

Mamta Ramesh Sadarangani ... Petitioner
V/s.
 The Divisional Joint Registrar
 Cooperative Societies & Ors. ... Respondents

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Mr. Shantanu Raktate a/w Mr. Amar Parsekar, for the
Petitioner.

Ms. Sulbha Chipade, AGP, for State – Respondent No.1.

Mr. Harish Pawar a/w Mr. V. M. Abhyankar and Mr.
Shivam S. Gawde, for Respondent No.2.

Mr. Murtuza Slatewale i/b S. Shamim, for Respondent
No.3.

Mr. Saurav N. Kathar, for Respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 5, 2026

P.C.:

- 1. Rule.** Rule made returnable forthwith.
- 2.** The present petition arises from proceedings taken under Section 22(2) of the Maharashtra Cooperative Societies Act, 1960. The proceedings were initiated by the petitioner, who is the daughter of the original member of the housing society. The petitioner claims membership on the basis of nomination. The undisputed factual position is that the petitioner's mother, who was the original member, expired on 28 June 2020. The petitioner asserts that during her lifetime, the deceased member executed a

nomination in her favour on 22 November 2009. Relying on this nomination, the petitioner applied to the society for transfer of membership on 8 June 2021 along with the required documents. The society did not take any decision on the application. Faced with this inaction, the petitioner invoked the statutory remedy under Section 22(2) of the MCS Act. The Assistant Registrar considered the material on record and, by order dated 11 May 2023, allowed the application and directed conferment of membership on the petitioner.

3. Respondent No.2, who claims to be the grandson of the original member, challenged this order by filing Revision Application No.248 of 2023 before the Divisional Joint Registrar. The revisional authority allowed the revision. The reason given was that the petitioner had not produced an heirship certificate or letters of administration. It was also noted that a dispute regarding ownership of the flat was pending before the City Civil Court. On this reasoning, the revisional authority held that the Assistant Registrar ought not to have directed conferment of membership in favour of the petitioner.

4. The record placed before this Court includes Form No.14 relating to nomination. On careful perusal of this document, it clearly bears the seal of the society and acknowledgment showing that the nomination was submitted by the deceased member on 11 November 2009. This document forms part of the society's own record. There is no material produced to doubt its genuineness or to suggest that the nomination was fabricated or improperly submitted.

5. A prima facie reading of the nomination form shows that all mandatory columns were duly filled by the deceased member. There is no dispute raised about any defect in the form. It is also an admitted position that the other legal heir of the deceased member, namely her son, has given his consent and no objection for conferment of membership on the petitioner, who is the daughter. Thus, there is no inter se dispute among the immediate legal heirs except the claim raised by respondent No.2. In these circumstances, the Assistant Registrar acted within jurisdiction and in accordance with law in directing conferment of provisional membership on the petitioner on the basis of a valid nomination supported by consent of the other legal heir.

6. The objection raised by respondent No.2 is founded on a civil dispute pending before the City Civil Court. That civil suit will decide the substantive rights relating to ownership and succession. However, mere pendency of such a suit does not bar the authorities under the MCS Act from acting under Section 22(2). Membership under the Act is distinct from final adjudication of title. The statute empowers the authority to grant membership on a provisional basis when the requirements of nomination and consent are satisfied. In the present case, there was sufficient material to justify such an order. Therefore, the revisional authority committed an error in setting aside the well-reasoned order of the Assistant Registrar. The impugned revisional order cannot be sustained in law and deserves to be quashed.

7. Accordingly, Rule is made absolute in terms of prayer clause (a).

8. It is clarified that the membership conferred on the petitioner shall remain subject to the final outcome of Civil Suit No.5292 of 2021 filed by respondent No.2. The decision of the civil court on substantive rights shall prevail and bind the parties.
9. With this clarification, the writ petition stands disposed of.
10. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)