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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NOS.797 AND 798 OF 2014**

Pravin Dwarkadas MavaniPetitioner
versus
Damodar Bhavan C.H.S.Ltd. and ors.Respondents

Mr. S. D. Patil i/b. Mr. A.S. Singh, advocate for the petitioner.
Mr. Manoj Kumar Upadhyay, advocate for respondent No.1.
Mr. S. D. Rayrikar, AGP for respondent Nos. 2 and 3.

CORAM : RANJIT MORE, J.

DATED : 23rd SEPTEMBER, 2014.

P.C.:

Mr. Patil, learned counsel for the petitioner, submits that the decree passed by the Civil Court on 16th October, 2006 in short cause suit No.1782 of 1984 is stayed by this Court in Civil Application No.5286 OF 2006 in First Appeal No.3093 of 2006. Mr. Patil submits that even the City Court's decree directed petitioner to become member of the said society, therefore, society could not have invoked the provisions of Section 101 of the Maharashtra Co-operative Societies Act, 1960. Learned counsel for respondent No.1, on the contrary, submits that petitioner is occupying the said flat and shop situated in the society premises and, therefore, must pay maintenance and outgoings.

2. The certificate under Section 101 is already granted in favour of respondent No.1 against the petitioner, which certificate, is confirmed by the revisional authority under Section 154 of the MCS Act. In the above circumstances, arguable points are raised, therefore, Rule. Hearing expedited.

3. Since the petitioner is occupying the flat and the shop in question, I am not inclined to grant interim order. Payment of maintenance as well as arrears of the recovery certificate amount which the petitioner shall pay would be subject to the final outcome of this petition.

(RANJIT MORE, J.)

