

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

WRIT PETITION NO.4857 OF 2015

The Suvarnayug Sahakari Bank Ltd.

.. Petitioner

Versus

Suresh Shivajirao Kale and another

.. Respondents

**Shri. S. R. Nargolkar, Senior Counsel a/w Shri. Swapnil S. Mohite, for
the Petitioner.**

**Shri. Shrivallabh S. Panchpor i/by SNP Legal, for the Respondent
No.1.**

CORAM : R.M. SAVANT, J.

DATE : 3rd JULY, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 25.03.2015 passed by the Maharashtra State Co-operative Appellate Court, by which order the Revision Application filed by the Petitioner came to be dismissed and resultantly, the order dated 11.03.2015 passed below Exh.211 by the Co-operative Court came to be confirmed.

2. The Respondent No.1 herein has filed the dispute in question being Dispute No.184 of 2008 and the reliefs sought in the said dispute are to the following effect, a declaration is sought in respect of the suspension of the disputant, a declaration in respect of the charge-sheet dated 05.01.2004 issued by the Bank, declaration is sought that inquiry

proceeding and charge-sheet be declared as illegal and declaration sought that the termination of the disputant on 11.07.2006 on the basis of the inquiry report as wrongful, illegal, null and void. The disputant in the alternative has sought damages to the tune of Rs.1,23,78,268 for the wrongful and illegal termination of the disputant from the services of the Petitioner i.e. Opponent No.1 in the dispute. The Petitioner filed its written statement and in the written statement has taken an objection to the jurisdiction of the Co-operative Court to try the dispute in the light of the reliefs which have been sought. It is the case of the Petitioner that the dispute would not lie within Section 91 of the Maharashtra Co-operative Societies Act. The issues have been framed in the said dispute in the year 2009. Amongst the issues framed is the issue of jurisdiction and maintainability of the Dispute. The matter has thereafter proceeded to trial and the parties led evidence which recording was completed in the year 2013. The instant application Exh.211 has been filed in March 2015. It seems that the said application was preceded by an application filed invoking Order 14(2) of the CPC which it seems was withdrawn. By the instant application Exh.211 the Petitioners have sought the dismissal of the dispute under Order 7(11)(d) of the CPC. After going through the gamut of permitting the Respondent No.1 to file reply etc. the Trial Court rejected the said application by its order dated 11.03.2015. The Trial

Court observed that the instant case would not come within the ambit of Order 7 Rule 11 Clauses (a) to (f). The Trial Court also observed that the issues have already been framed and amongst the issues is the issue of jurisdiction and maintainability of the dispute. The Trial Court has further observed that the dispute is lying for final arguments. The application as indicated above accordingly came to be rejected by the order dated 11.03.2015.

3. The Petitioner aggrieved by the said order dated 11.03.2015 filed Revision Application No.16 of 2015 before the Co-operative Appellate Court. The Co-operative Appellate Court reiterated the findings of the Trial Court and dismissed the Revision Application by upholding the grounds which are mentioned in the order passed by the Trial Court. The Appellate Court expedited the hearing of the dispute and directed it to be disposed of within three months. In the light of the fact that the dispute is of the year 2008 and in the background of the fact that the parties have closed their evidence and the dispute is lying for final arguments, as also considering the fact that the issue of maintainability and jurisdiction has already been framed, in my view, the interdiction by this Court in its Writ Jurisdiction with the impugned order dated 25.03.2015 is not warranted. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]