

dgm

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO. 3106 OF 1998

M/s. Bayer (India) Employees Cooperative

Credit Society

.... Petitioner

vs

D. N. Bhat & ors

.... Respondents

Mr. R.P. Lote for the Petitioner

Ms. Aparna Dhavle i/by Mr. R.S.Apte, Senior Advocate for the
Respondents 4 to 10.

Mr. S.D. Rayrikar, AGP for Respondents 13 and 15.

CORAM: ANOOP V. MOHTA, J.

DATE : February 02, 2015

P.C.:

Called out from the final hearing board.

2 The learned counsel appearing for the parties make
statement that they have not received any instructions inspite of
repeated communication.

3 Considering the issue so involved and specifically in view
of the fact that the learned Judge, 5th Cooperative Court, Mumbai, by

order dated 17.2.1995, after hearing both the parties, accepted the application filed by opponents 3 to 10, whereby it was pointed out that the criminal case lodged against the same opponents for misappropriation and, therefore, prayed to stay the proceedings till the disposal of the criminal case. The same contention was accepted and accordingly the dispute was stayed till the decision of the criminal case.

4 An appeal was preferred. The Appellate Authority also refused to entertain the appeal by order dated 18.3.1996. The Petitioner therefore filed this writ petition and this Court on 3.8.1999 admitted the Petition.

5 For the above reason, I am inclined to dispose of the present writ petition, as the dispute itself remains stayed since 17.2.1995 till this date, as there is no contra material placed on record. The criminal proceedings and/or civil by this time must have been over. There is no material to show that the criminal proceedings were also stayed by any other order. Such disputes of misappropriation of amount, therefore, need to be proceeded subject to criminal proceeding so referred above, if it is disposed of. If it is

not disposed of, the parties are at liberty apply for an appropriate order. Such dispute just cannot be kept pending like this and so also the present writ petition.

6 Therefore, Rule is discharged by keeping all points open, with liberty. No costs.

(ANOOP V. MOHTA, J.)