

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

CIVIL APPLICATION NO.413 OF 2015

IN

CIVIL REVISION APPLICATION NO.951 OF 2014

Special Recovery Officer

Datta Nagari Patsanstha Ltd. and another

.. Applicants

Versus

Shri. Babaso Mahamad Sarjekhan and others

.. Respondents

Shri. S. A. Rajeshirke, for the Applicants.

**Shri. Rahul Deodhar i/by Shri. S. M. Kamble, for the Respondent
Nos.1 to 3.**

CORAM : R.M. SAVANT, J.

DATE : 28th AUGUST, 2015

PC.

1. The above Civil Application has been filed by the original Petitioners seeking the relief that the stay granted by this Court on 23.03.2015 in terms of prayer clause (d) be vacated. The said relief is sought on the ground that the Learned Counsel for the Petitioners was not aware of the stay granted by the Trial Court in the suit filed by the Respondents challenging the certificate under Section 101 of the Maharashtra Co-operative Societies Act. The above Civil Revision Application is directed against the order, whereby the preliminary

objection raised on behalf of the Petitioners as regards the jurisdiction of the Civil Court to entertain the suit has been rejected by the Trial Court. The relief in the Civil Application is sought on the basis that since stay is granted by the Trial Court to the recovery proceedings, in view of the stay granted by this Court in the above Petition the said stay granted by the Trial Court would continue indefinitely. The Learned Counsel for the Petitioners states that the Petitioners are intending to file an application to vacate the stay granted by the Trial Court. The Civil Application is accordingly allowed in terms of prayer clause (a). In so far as prayer clause (b) is concerned, the Petitioners may renew their application contingent upon the decision that would be rendered in the application that would be filed by the Petitioners for vacating the stay. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]