

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 374 OF 2015**

Girgaon Ekta Co-operative Hsg Sty Ltd.

..Petitioner

Vs.

Sadanand Laxman Mulgaonkar & Ors

..Respondents

**WITH
WRIT PETITION NO.3621 OF 2015**

Sadanand Laxman Mulgaonkar & Ors.

..Petitioner

Vs.

State of Maharashtra & Ors.

..Respondents

Mr. V. C. Ghosalkar for the Petitioner in Writ Petition No.374 of 2015

Mr. A. K. Tripathi i/b Mr. Prem Kumar Pandey for the Petitioner in Writ Petition No.3621 of 2015

Mr. S. D. Rayrikar AGP for the Respondent Nos.1, 2, 5, 6 & 7

CORAM : R. M. SAVANT, J.

DATE : 20th APRIL, 2015

P.C.

1 The above Petitions arise out of an interlocutory order passed by the Co-operative Appellate Court condoning the delay in filing the Appeals. The Learned Counsel appearing for the Petitioner in Writ Petition No.374 of 2015 Mr. V. C. Ghosalkar tenders copy of the order dated 1-4-2015 passed by the Learned Judge of the Co-operative Appellate Court -2, Mumbai, by which order, the Learned Judge has held that the dispute is not maintainable and that the Co-operative Appellate Court does not have the jurisdiction to entertain the dispute. The Learned Counsel for the Respondent No.1 states that the said

Respondent intends to file an Appeal against the said order. In view of the said order dated 1-4-2015, the above Petitions challenging an interlocutory order passed in the Appeals which arise out of the order condoning the delay, do not survive and to accordingly stand disposed as having turned infructuous. However, in the event the order dated 1-4-2015 is set aside. It would be open for the parties to renew their challenge to the order condoning the delay.

2 The order dated 1-4-2015 passed by the Learned Judge of the Co-operative Appellate Court – 2, Mumbai, is taken on record and marked as “X” for identification.

[R.M.SAVANT, J]