

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1635 OF 2015

MILIND DAYARAM WAYKOLE AND OTHERS
VERSUS
ASSISTANT REGISTRAR, CO OPERATIVE SOCIETIES, JALGAON AND OTHERS

...

Advocate for Petitioners : Mr. B.A. Chavan
AGP for Respondent Nos. 1 & 2: Mrs. A.V. Gondhalekar.
Advocate for respondent Nos. 4,7,9 to 11 : Mr. D.B. Shinde

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 11th AUGUST , 2016.

PER COURT:

1] The matter was listed yesterday. None appeared for the petitioners. However, it was adjourned. Today also, when the matter was called out, none appears for the petitioners.

2] Petitioners seek discharge from the liability and seeks further relief that the name of the petitioners be removed from the compliance proceedings filed under Section 27 of the Consumer Protection Act.

3] Learned AGP states that the petitioner has the remedy of appeal if the judgment and order of the Consumer Court is to be challenged and as far as the liability is concerned, learned AGP relies upon the judgment of the Division Bench of this Court, in "**Mandabai Sambhaji Pawar vs. State of Maharashtra**" reported in 2011(4) Mh.L.J. 790, to submit that the District Consumer Forum has the jurisdiction to try and entertain the complaint even against the Directors of the society.

4] Learned counsel for respondent No.4 relies upon the judgment of the Apex Court in the matter of **Nivedita Sharma Vs. Cellular Operators**, delivered in Civil Appeal No. 10706 of 2011, dated December 7, 2011, to submit that remedy of appeal is provided to the petitioner.

4] In view of the judgment of the Division Bench of this Court in the case of Mandabai (supra) the grievance of the petitioner cannot be considered. However, petitioner is at liberty to file such application in compliance proceedings, as is permissible in law.

5] Writ petition is accordingly disposed of. No costs.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-