

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.813 of 2015**

1. Shri Shivaji Y. Mandrekar,
major of age,
resident of Camral,
Curchorem-Goa.
2. Shri Suryakant Y. Mandrekar,
major of age,
resident of Camral,
Curchorem-Goa.
3. Mrs. Draupadi S. Mandrekar,
wife of Shri Suryakant Y.
Mandrekar, major of age,
resident of Camral,
Curchorem- Goa .. Petitioners

Versus

1. The Goa Urban Co-operative
Bank Ltd.,
a Co-operative Bank registered
under the Maharashtra Co-operative
Societies Act, 1960 as applied to
the State of Goa and now governed
under the Goa Co-operative
Societies Act, 2001 having its Head
Office at Dr. A. B. Road, Panaji-Goa
represented through its Managing
Director.
2. Shri Gajanan Y. Mandrekar,
major of age,
House No.218,
resident of Camral,
Curchorem-Goa .. Respondents

Mr. A. V. Nigalye, Advocate for the petitioners.

Mr. R. G. Ramani, Advocate for the respondent no.1.

None for respondent no.2, though served.

CORAM :- S. B. SHUKRE, J.

Date : 3rd February, 2016.

ORAL JUDGMENT :

Heard Shri Nigalye, learned Counsel for the petitioners and Shri Ramani, learned Counsel for the respondent no.1. None appears for respondent no.2, though duly served. However, considering the nature of controversy and limited relief sought by the petitioners, I do not think it necessary now to further wait for respondent no.2 to make his submissions.

2. Rule. Rule made returnable forthwith. Learned Counsel for the respondent no.1 waives service of notice. Heard finally by consent of learned Counsel for the petitioners and learned Counsel for respondent no.1.

3. The apprehension of the petitioners is that since the first dispute, being dispute No.15/9/83/ARSZ/ABN/SANG/293/96 has been pending for a considerable period of time, the present dispute i.e. Case No.3/2011/139 will also get delayed indefinitely. Therefore, the learned Counsel for the petitioners submits that if certain time frame is fixed by this Court, it will serve the purpose

of this petition.

4. Learned Counsel for the respondent no.1 has no objection for the said suggestion.

5. Even otherwise, considering the fact that the first dispute is pending since the year 1996, it is now time that the learned Assistant Registrar of Co-operative Societies should pay his attention to the dispute and accord his priority to the first dispute and decide the same in accordance with law at the earliest, which involves question of variance of contract as one of the issues, which would certainly have meaningful bearing upon the present dispute. Viewed so, I find that the first dispute is required to be decided at the earliest.

6. Accordingly, Writ Petition is allowed. It is directed that the first dispute bearing No.15/9/83/ARSZ/ABN/SANG/293/96 shall be decided by the learned Assistant Registrar of Co-operative Societies as expeditiously as possible and in any case, within six months from the date of the order. Respondent no.2 is admittedly the brother of petitioner no.1 and, therefore, petitioner no.1 undertakes to serve a copy of this order upon respondent no.2 within 15 days from the date of the order. Upon such service,

petitioner no.1 shall obtain acknowledgment from respondent no.2 and shall file the same before learned Assistant Registrar, Co-operative Societies in both the disputes. In case, respondent no.2 refuses to receive the copy of the order of this Court or refuses to issue any acknowledgment, an affidavit to that effect shall be filed in both the disputes pending before the learned Assistant Registrar of Co-operative Societies. Period of six months as given by this Court shall be counted from the date the necessary acknowledgment of respondent no.2 or affidavits are filed before the learned Assistant Registrar of Co-operative Societies.

7. Rule is made absolute in these terms. No costs.

S. B. SHUKRE, J.

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