

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.418 OF 2016

M/s. Maharashtra Rajya Shakari Sangh Maryadit, Pune ... Applicant
Vs.
M/s. Bharuka Associates Pvt. Ltd. through its Director
Gaurav Deepak Bharuka ... Respondent

Mr. Pratap Patil for Applicant.

CORAM : R. G. KETKAR, J.
DATE : NOVEMBER 17, 2016

P.C. :

Heard Mr. Patil, learned Counsel for applicant at length.

2. By this Application under Section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'), applicant, hereinafter referred to as 'defendant', has challenged the judgment and order dated 06.02.2016 passed by the learned Joint Civil Judge Senior Division, Pune below exhibit-1 in Special Civil Suit No.472 of 2013. By that order, the learned trial Judge held that Civil Court has jurisdiction to entertain and try the Suit.

3. Defendant filed application exhibit-15 under Section 9-A of C.P.C. for framing preliminary issue on the ground of jurisdiction. In pursuance thereof, the learned trial Judge framed the preliminary issue of jurisdiction. Parties did not lead evidence. By the impugned order, the learned trial Judge held that Civil Court has jurisdiction to entertain and try the Suit.

4. In support of this Application, Mr. Patil reiterated the submissions advanced before the learned trial Judge. He has taken me through the

application exhibit-15 and contended that Civil Court has no jurisdiction to entertain and try the Suit under Sections 45, 162, 163 and 164 of the Maharashtra Co-operative Societies Act, 1960 (for short 'Act'). He, therefore, submitted that application requires consideration.

5. I have considered the submissions advanced by Mr. Patil. I have also perused the material on record. Perusal of the record shows that the object of the defendant-society is to provide education – training in co0operation to its members other Co-operative Societies, Institutions in Maharashtra, employees of the co-operative department and arrange such co-operative training and educational activities. In the present case, the dispute is about the transaction took place between the parties for development of the suit property on Build, Operate and Transfer basis, which does not touch the business of the defendant-society. In view thereof, I do not find that the learned trial Judge has committed any error in holding that Civil Court has jurisdiction to entertain and try the Suit and the bar under Sections 45, 162, 163 and 164 of the Act is not attracted. Hence, Application fails and the same is dismissed.

(R. G. KETKAR, J.)

Minal Parab