Sequeira

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

WRIT PETITION NO. 9399 OF 2016
Along with
CIVIL APPLICATION NO. 2175 OF 2016

Prashant Basrur & ors. … Petitioners
Vs.
The State of Maharashtra & ors. … Respondents

Mr.Sharan Jagtiani a/w Mr.Siddesh Bhole a/w Ms.Harshita Joglekar a/w Mr.Abdulla Culteriwala i/b Haresh Jagtiani & Asso., for Petitioners.
Mr.S.D.Rayrikar-Assistant Government Pleader, for Respondent No.1.
Mr.R.S.Ghadge i/b Mr.Appasaheb S.Desai, for Respondent Nos.2 to 9.

CORAM : N.M.Jamdar, J.
Tuesday, 30 August 2016.

P.C. :

By this Petition, the Petitioners have challenged the ad-interim orders passed in the suit. It is informed that the learned Co-operative Court Judge has now taken up the application below Exhibit 5 for consideration and it is being heard. In view of this decision it is not necessary to continue hearing the present Writ Petition. It is informed that the next date in the application is 3 September 2016.

2. The Civil Application was moved seeking certain directions regarding election of Respondent No.2-society. The matter was

moved on 19 August 2016-Friday for directions, on the ground that elections are due on 21 August 2016-Sunday. Since there was no adequate time to consider the rival contentions on the Civil Application, by way of purely ad-hoc arrangement, it was directed that voting to go on however, the election officer will not declare results.

3. Now that the main application below Exhibit 50 is scheduled for hearing on 3 September 2016 question is whether this issue needs to be decided in the present Petition. I am of the opinion that the continuation of this order can be left to the learned Co-operative Court Judge who will apply his mind to the controversy at hand after hearing both the sides and to decide whether the relief sought is relevant to the outcome of the dispute and whether this continuation is necessary. Accordingly, the Writ petition is disposed of as under.

4. All contentions of the parties in respect of Exhibit 5 are kept open. The ad-interim arrangement directed on 23 August 2016 to continue till 3 September 2016. This continuation will be considered by the learned Co-operative Court Judge, on its own merits and keeping in mind the circumstances in which the order on 19 August 2016 was passed. No further orders are necessary in this Writ petition and the Civil Application. Both are accordingly disposed of as above.

(N.M.Jamdar, J.)