

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10480 OF 2015**

Ramkrishna S. Chopdekar & Anr.

..Petitioners

Vs.

Jai Anant Co-op Hsg Soc Ltd. & Ors

..Respondents

**Mr. R. A. Thorat Senior Advocate i/b Ms Pratibha Shelke for the Petitioners
Ms Kanchan R. Chimbalkar for the Respondent Nos.1 to 10**

CORAM : R. M. SAVANT, J.

DATE : 5th APRIL, 2016

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 29-9-2015 passed by the Learned President of Maharashtra Co-operative Appellate Court, Mumbai, by which order, the Appeal filed by the Petitioner against the order dated 10-8-2015 passed by the Co-operative Court No.3 Mumbai, came to be dismissed and resultantly the said order dated 10-8-2015 refusing interim reliefs came to be confirmed.

2 The interim reliefs sought were to restrain the Respondent Nos.2 to 10 who have been elected as Managing Committee members of the Respondent No.1 society from taking any policy decision in respect of the business and management of the society. The elections to the Managing Committee of the society took place on 10-1-2015 after which the dispute in question came to be filed questioning the said elections inter alia on the grounds mentioned in the dispute. In the said dispute, the instant application

for interim reliefs came to be filed. The Trial Court i.e. the Co-operative Court has rejected the said application for the reasons mentioned in its order dated 10-8-2015 which revolve around the fact that the Respondent Nos.2 to 10 are elected members of the Managing Committee and therefore cannot be restrained from taking policy decisions etc. The Trial Court observed that if there is any grievance as regards the functioning of the Managing Committee, the disputants can raise the objection in a meeting. The Trial Court further observed that if the Managing Committee is restrained it is the society which would ultimately suffer.

3 The Petitioner aggrieved by the order passed by the Trial Court dated 10-8-2015 filed an Appeal being A.O. No.49 of 2015. The Co-operative Appellate Court did not find any reason to interfere with the order passed by the Trial Court and accordingly dismissed the Appeal.

4 In the light of the concurrent orders passed by the courts below refusing interim reliefs no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

5 However, in the facts and circumstances of the case, the hearing of the dispute is expedited.

[R.M.SAVANT, J]