

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

WRIT PETITION NO. 165 OF 2015

Rajani Kolhatkar .. Petitioner
vs.
Chitra Rane & Anr. .. Respondents

**WITH
WRIT PETITION NO. 151 OF 2015**

Ashok Govind Tole .. Petitioner
vs.
Chitra Rane & Anr. .. Respondents

Mr. M.R. Phal for the Petitioner.
Mr. M.P. Raje for Respondent No.1.
Mr. Mayur Shikhare for Respondent No.2.
Mr. S.D. Rayrikar, A.G.P. for State.

**CORAM : M.S. SONAK, J.
DATE : 8 FEBRUARY, 2016.**

P.C. :

1 Not on board. Upon production, taken on board.

2 The challenge in both these Petitions is to the impugned order, by which the Maharashtra State Co-operative Appellate Court, in the exercise of its revisional jurisdiction has refused to interfere with the orders made by the Co-operative Court, directing that the issue of jurisdiction raised by the petitioner should be tried alongwith all other issues raised in the dispute and decided at the final stage.

3 The two disputes in this case relates to the years 2005-2006 respectively. The objection as to jurisdiction was raised at a stage when the trial had virtually commenced. The disputant had filed affidavit in view of the examination-in-chief and the matter was posted for cross-examination by the petitioner. In these circumstances, the two Courts have rightly held that the issue of jurisdiction raised by the petitioner can always be taken up alongwith all other issues which arise in the matter. There is no jurisdictional error or any other legal infirmity so far as approach taken by the two authorities is concerned. In fact, considering that the dispute relates to the year 2005-2006, this is a proper course of action to be adopted in the present matter.

4 Since the dispute relates to the year 2005-2006, the Co-operative Court is directed to dispose of the same as expeditiously as possible and in any case within a period of 6 months from today. It is clarified that the issue of jurisdiction raised by the petitioners is also required to be decided alongwith all other issues in accordance with law and on its own merits.

5 With the aforesaid observations, these Petitions are
dismissed. There shall be no order as to costs.

6 All concerned to act on the basis of authenticated copy
of this order.

(M.S. SONAK, J.)