

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

WRIT PETITION NO. 11722 OF 2015

Shri Ram V. K. S. (Vikas) Seva Society Ltd. ... Petitioner
Vs
Shri Jotirling V. K. S. Seva Society Ltd.,
Panutre, Taluka Panhala, District Kolhapur. ... Respondents
...
Mr. G. N. Salunke for the Petitioner.
Mr. Abhijeet Adagule for the Respondent.

CORAM : N. M. JAMDAR, J.
DATE : 26 OCTOBER, 2016

P.C. :

1. Heard the learned counsel for the parties. The petitioner which is a Co-operative Society has challenged the order passed by the Co-operative Court, Kolhapur rejecting the application filed by the Petitioner for setting aside no Written Statement (WS) order.
2. The Respondents Co-operative Society has filed a dispute seeking recovery of amount of Rs. 3,90,076/- alongwith interest. No written statement order was passed in this dispute on 31st July 2015. On 6th August 2015 arguments were heard and the matter was fixed for judgment and on the same date an application for taking written statement on record was made. The learned Co-operative Court Judge rejected the application on the ground that at this stage, it cannot be entertained.
3. Since there is no other ground except the stage of the

proceedings which is mentioned in the impugned order, the option was either to consider the matter on merit in this petition or remanded the same to the Co-operative Court. Remanding the matter to the Co-operative Court will again delay the proceeds, which is not in the interest of the parties. In the circumstances, I am of the opinion that considering the fact that both the parties are co-operative societies on a condition of deposit of the part of the amount indulgence can be granted to the petitioner.

4. Accordingly, the Writ Petition is disposed of by directing the petitioner to deposit the amount of Rs.1,50,000/- in the Co-operative Court, Kolhapur within a period of three weeks from today. If the amount is deposited within stipulated period it will be open to the petitioner to file their written statement within one week from such deposit. If the amount is not paid and written statement is not filed within the period, the petitioner will forfeit the right to file the written statement. The writ petition is disposed of in above terms.

(N. M. JAMDAR, J.)