

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 700 OF 2013

Vijay D. Madan .. Petitioner
vs.
Hindurao B. Thorat & Ors. .. Respondents

Mr. M. G. Patil i/b. Mr. N. N. Bhadrashete for Petitioner.
Mr. Ajay Basutkar for Respondent Nos. 1 to 3.

CORAM : M. S. SONAK, J.
DATE : 20 JUNE 2016

P.C :

1] Heard learned counsel for the parties.

2] There does not seem to be any jurisdictional error or perversity in the impugned order. It is the case of the respondent no. 3 society that transfer of membership was on the basis of release deed dated 7 February 2004. It is the case of the petitioner that the said release deed is a fabricated document and that the petitioner has never executed the same. For this purpose, the petitioner has also instituted special civil suit no. 2348 of 2011, in which, by now the trial has substantially progressed. In these circumstances, it cannot be said that the impugned order, which directs the stay of proceedings before the cooperative court,

pending disposal of special civil suit no. 2348 of 2011 is an order made in excess of jurisdiction or that the same is vitiated by perversity.

3] However, the Civil Judge, Senior Division at Pune, taking up special civil suit no. 2348 of 2011 is requested to dispose of the said suit as expeditiously as possible and in any case within a period of one year from today.

4] With the aforesaid observations, the present petition is disposed of. There shall however be no order as to costs.

5] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

Chandka