

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1799 OF 2016

Damyanti W/o Baliram Ukey and another

-vs-

Magaswargiya Beghar Mahila Gruh Nirman Sahakari Sanstha and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.A. Khare, counsel for the petitioners.
Mr.Ambarish Joshi, AGP for the respondent Nos.2 to 5.

CORAM : SMT. VASANTI A. NAIK &
V. M. DESHPANDE, JJ.

DATE : 16.04.2016.

By this writ petition, the petitioners challenge the order of expulsion of the petitioners as members of the society under Section 35 of the Maharashtra Cooperative Societies Act.

Shri Ambharish Joshi, the learned Assistant Government Pleader appearing on behalf of the respondent Nos.2 to 5, states that an order under Section 35 of the Act, expelling the members from the society is appealable under Section 152 of the Act. It is stated that instead of filing an appeal, the petitioners had filed the dispute in the Cooperative Court, that was rightly dismissed.

We uphold the preliminary objection raised on behalf of the respondent Nos.2 to 5. Since the petitioners could have challenge the order under Section 35 of the Act in an appeal under Section 152 of the Act, we decline to entertain the writ petition. The writ petition is dismissed with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE