

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISCELLANEOUS CIVIL APPLICATION NO.206/2016

IN
WRIT PETITION NO.1460/2006 (D)

Shri Shivkishan s/o Mulchand Agrawal
..VS..
Smt. Sujata Tarachand Makhija and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : 1.8.2016.

Heard Shri A.M. Ghare, Advocate for the
applicant - original petitioner.

The applicant - petitioner seeks review of the
judgment passed by this Court declaring that the allotment of
plot in favour of the applicant - petitioner is illegal and the
sale deed executed in favour of the applicant - petitioner on
25th October, 1989 is quashed. This Court has rejected the
claim of non-applicant No.1 - respondent No.1 for allotment
of plot in dispute and has left it to the Society to consider the
allotment of plot in dispute after following the procedure as
was followed in 1989 while allotting the plot to other
members.

The submission on behalf of the
applicant - petitioner is that the non-applicant No.1 -
respondent No.1 was not the member of the Co-operative
Society and, therefore, she could not have maintained the
dispute before the Co-operative Court.

The non-applicant No.1 - respondent No.1 had

filed Petition for Special Leave to Appeal No.136/2016 challenging the judgment passed by this Court and the same is dismissed.

The Petition for Special Leave to Appeal filed by the non-applicant No.1 - respondent No.1 having been dismissed, in my view, it would not be proper for this Court now to re-examine the issue of membership of non-applicant No.1 - respondent No.1. The miscellaneous civil application is **dismissed**. No costs.

JUDGE

Tambaskar.

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

Uploaded On : 5.8.2016.