

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10031 OF 2017

MURLIDHAR DAYARAM SURALKAR
VERSUS
GUJRATHI URBAN CO OPERATIVE CREDIT SOCIETY LTD

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Advocate for Petitioners : Shri Talhar Ajay G.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 21, 2017

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PER COURT :-

1. The petitioner is aggrieved by the judgment dated 4.5.2017, by which, the Maharashtra State Cooperative Appellate Court has partly allowed Appeal No.54 of 2014, filed by the petitioner and has remitted Dispute No.450 of 2001 to the Cooperative Court, Jalgaon.

2. The petitioner submits that respondent No.1 Society preferred Dispute No.450 of 2001 for recovery of Rs.1,82,714/- from the petitioners and respondent Nos.2 and 3. By the award dated 2.7.2014, the opponents were directed to pay the claim amount of Rs.1,82,714/- along with future interest at the rate of 21% per annum on the balance principal of Rs.1,25,000/-.

3. The petitioner alone moved Appeal No.54 of 2014. By the impugned judgment, the appellate Court permitted the disputant to produce the documents in its custody and remitted the matter to the Cooperative Court for a fresh decision.

4. Grievance of the petitioner is that in an appeal filed by him, leave to produce documents could not have been granted to the non-applicant/society by the appellate Court.

5. After hearing the learned counsel for the petitioner, I was not inclined to issue notice and was not inclined to entertain this petition. Learned counsel for the petitioner submits that the issue whether the respondents in an Appeal could be permitted to produce the documents needs to be gone into and the petitioner is willing to deposit 75% of the amount which has been directed by the Cooperative Court, Jalgaon, in this Court. The amount which is assessed by the Cooperative Court is approximately Rs.2,50,000/-. The petitioner is willing to deposit 75% of this amount.

6. I am issuing notice only because the petitioner is willing to deposit the said amount and show his bonafides.

7. Issue notice to the respondents, returnable on 22.9.2017.
8. The petitioner shall deposit an amount of Rs.1,90,000/- (Rs One Lakh Ninety Thousand only/-) in this Court on/or before 15.9.2017, failing which, this petition shall stand dismissed without reference to the Court, as notice is being issued only because of the petitioners being willing to deposit the said amount.
9. Till the returnable date in this matter, the Cooperative Court, Jalgaon shall not proceed pursuant to the impugned judgment of the appellate Cooperative Court dated 4.5.2017.
10. Needless to state, the petitioners shall not be permitted to seek extension of time to deposit the amount.

(RAVINDRA V. GHUGE, J.)

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akl/d