

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3927 OF 2014

Dhule Zillha Parishad Karmachari
Sahakari Gruh Nirman Society,
Maryadit, Dhule, through its
Chairman, Shri Anil Ganjidhar
Pawar, age: 46 years, Occ: Service,
R/o Deopur, Dhule, Tq. and District
Dhule.

Petitioner

Versus

01 Sharad Ramchandra Sonawane,
age: 53 years, Occ: Business,
R/o Santsayj Nagar, (Nhavi Colony),
R/o Vidyanagari, Deopur, Dhule,
District Dhule.

02 Nilesh Ramdas Shirsath,
age: 37 years, Occ: Service,
R/o Dhule Zilla Parishad
Sahakari Gruh Nirman Society,
Deopur, Dhule, Tq. and
District Dhule.

Respondents

Mr.P.D.Bachate, advocate for the petitioner
Mr.A.N.Sabnis, advocate holding for Mr.V.T.Choudhari, advocate
for both Respondents.

CORAM : S.B.SHUKRE, J.

DATE : 23rd January, 2017

ORAL JUDGMENT :

Heard. Rule. Rule made returnable forthwith and
heard finally by consent of learned Counsel for respective parties.

the trial Court as well as appellate Court have only considered the issue of maintainability of dispute from the angle of status of Shri Anil G. Pawar, as an office bearer of the Housing Society, and that the Courts below have not considered another dimension of the issue involved in the case, which relates to eligibility of a member to raise a dispute and that it is an admitted position that the present petitioner is at least a member of the Housing Society.

3 However, there is also an issue, as pointed out by learned Counsel for respondents, which deserve consideration. According to him, whatever is done in relation to the subject matter of the dispute, during pendency of the dispute, would always be subject to the result of the dispute and when there is no material available on record, which may show that the subject matter of the dispute is likely to be dealt with in a manner prejudicial to the interest of the petitioner, there would be no need for granting any interim protection or injunction at this stage.

4 Learned Counsel for Respondents is right in his said submission. Therefore, at this stage, I do not think that granting of temporary injunction will be justified. However, as a part of subsequent development, if any such material is found, petitioner would be required to give liberty to approach the trial Court seeking temporary injunction in changed circumstances.

5 With these observations, I am of the opinion that this writ petition can be disposed of with a direction to the trial Court to dispose of the dispute, as expeditiously as possible. The trial Court is directed to consider the issue of maintainability of the

dispute and bar of limitation afresh and also with liberty to the petitioner to seek temporary injunction, if there is change in circumstances.

6 Rule is made absolute in above terms. Parties to bear their own costs.

S.B.SHUKRE
JUDGE

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