

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5070 OF 2015

Arvind Ramvallabh Rungta & Ors. .. Petitioners
Versus
M/s. Patel Group & Co. and Ors. .. Respondents

Mr. Chandrakant Tanawade & Induprakash Tripathi for petitioners
Mr. Mayur Khandeparkar with Sanjay Kadam, Ms. Apeksha Sharma,
Sanjeet Kadam, Sayalee Rajpurkar i/b. Kadam & Co. for respondent
Nos. 1 and 2.

CORAM : B.R.GAVAI &
M.S.KARNIK, JJ.

DATE : 25th September 2017.

P.C.

1] The petition basically challenges the resolution taken by the respondent Nos. 3 and 6 in its general body meeting with regard to re-development of respondent No.3.

2] It, therefore, appears to be a dispute between the society on the one hand and its members on the other hand. Under the provisions of Maharashtra Cooperative Societies Act, the Cooperative Court can very well go into the dispute with regard to

the society and its members.

3] In view of the availability of alternate remedy, we are not inclined to entertain this petition under our extra ordinary jurisdiction under Article 226 of the Constitution.

4] The petition is rejected relegating the petitioner to avail the alternate remedy available in accordance with law. It is made clear that if there is any delay in taking recourse to the proceedings, the petitioner would be entitled to benefit under section 14 of the Limitation Act.

(M.S.KARNIK, J)

(B.R.GAVAI, J.)