

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST) NO. 17786 OF 2017

Shri. Aslam Abdul Gaus, Jamadar

...Petitioner

Versus

Vishwanath Shamrao Patil Gramin

Bigarsheti Sahakari Patsanstha

Maryadit And Ors.

...Respondents

Mr.R.A. Naik i/b Mr.Umesh R Mankapure for the Petitioner.

None present for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 14th SEPTEMBER 2017

P.C.

1. Heard learned counsel for the petitioner.

2. There is no case made out to interfere with the impugned order dated 03-05-2017 by which the Appellate Court has dismissed the petitioner's Revision Application questioning the Co-operative Courts order dated 10-02-2017 by which the Co-operative Court declined to recall the witness at the behest of the petitioner.

3. The learned counsel for the petitioner submits that the petitioner has raised an issue as to the maintainability of the

proceedings by urging that the petitioner is not at all member of the society. The learned counsel for the petitioner states that some questions were required to be posed to the witness on behalf of the society and such questions remain to be posed. In these circumstances, leave to recall ought to have been granted.

4. The impugned order notes that already several questions on the issue of membership have already been posed. That apart, the issue of maintainability is a legal issue. If the two Courts, have exercised jurisdiction against recall of a witness, it can hardly be said that their decisions of are in excess of jurisdiction or suffers, any jurisdictional error. Accordingly, this petition is dismissed. There shall be no order as to cost.

(M. S. SONAK, J.)