

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 3237 of 1994
WITH
CIVIL APPLICATION NO. 3221 of 2005
WITH
CIVIL APPLICATION NO. 8769 of 2007
WITH
CIVIL APPLICATION NO. 8768 of 2007
IN
WRIT PETITION NO. 3237 of 1994

1. Kailas S/o Baburao Jadhav
age 45 years occupation business, agriculture and
Chairman of Shri Sai Shopping Centre & Hotels Pvt. Ltd.,
Shirdi Taluka Kopergaon District Ahmednagar
2. Balasaheb S/o Baburao Jadhav,
age 35 years occupation business and
Director of Shri Sai Shopping Centre & Hotels Pvt. Ltd.,
Shirdi Taluka Kopergaon District Ahmednagar.
3. Shri Sai Shopping Centre & Hotels Pvt. Ltd.,
Shirdi Taluka Kopergaon District Ahmednagar. ...**Petitioners**

VERSUS

1. Shivaji S/o Tukaram Kote
age 25 years occupation agriculture
R/o Shirdi Taluka Kopergaon District Ahmednagar.
2. Uttamrao S/o Tukaram Kote,
age 42 years occupation agriculture
R/o Shirdi Taluka Kopergaon District Ahmednagar
3. Vasant S/o Tukaram Kote,
age 40 years occupation & R/o as above.
4. Registrar of Companies,
100, Everest, Marine Drive, Bombay.
5. Maharashtra State Finance Corporation
through its Regional Manager,
S.P. College Compound, Tilak road, Pune.

6. Syndicate Bank,
Shirdi Branch, Shirdi
through its Branch Manager.
7. State Investment Corporation of Maharashtra,
Bombay (SICOM),
through Manager, Nariman Point,
Behind Oberoi Sheretan Hotel, Bombay
8. Western Maharashtra Development Corporation,
Pune, Kibera Chambers, Shivasji Nagar, Pune
through its Manager.

...Respondents

Mr. M.N. Navandar, Advocate for petitioners

*Mr. Sanket S. Kulkarni, Advocate, inserted by Mr S.D. Kulkarni,
Advocate for respondents No. 1 and 3*

CORAM : SUNIL P. DESHMUKH, J.

DATE : 9th August, 2018

ORAL JUDGMENT :

1. Heard learned counsel Mr Navandar for the petitioners
and learned counsel Mr Kulkarni, for respondents.
2. The writ petition abates against respondent No.2 since
his legal heirs are stated not to have been brought on record.
3. The petition has been preferred against decision
rendered by the Civil Judge (Senior Division), Kopergaon, in regular
civil suit No. 634 of 1990 on 31st August, 1991 on the question of

jurisdiction of civil court in respect of reliefs claimed by present respondents in respective regular civil suits bearing No. 180 of 1990 and 634 of 1990 which are pending before the Civil Judge (Senior Division) at Kopergaon. According to learned counsel for petitioners the matter is wholly covered by provisions under the Companies Act, 1956 and section 10 (2) and from the same it would follow that civil court would have no certain jurisdiction to entertain suits for the reliefs claimed by plaintiffs.

4. On the other hand, learned counsel Mr Kulkarni for respondents contends that the court has given reasons in support of its order holding civil court has jurisdiction to try the suit and the Company Act does not cover the case of plaintiffs for the reliefs claimed.

5 Although these are the contentions advanced on behalf of petitioners, it appears that there have been further developments during the pendency of writ petition and the share capital of plaintiffs has been sold out by them entirely and the amount accordingly is stated to have been paid to them by petitioner firm.

6. Aforesaid developments depict, the very dispute between the parties appears to have lost its significance and the

matter has been rendered only of academic interest. No particular cause of parties is likely to further in the writ petition. Writ petition, as such, is disposed of.

7. Rule discharged.

8. All pending civil applications stand disposed of.

**(SUNIL P. DESHMUKH)
JUDGE.**

Madkar