

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

WRIT PETITION NO. 1744 OF 2018

MADANLAL SURAJMAL INDANI  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Shri P. G. Godhamgaonkar h/f Shri Umesh M.  
Indani.

AGP for Respondents 1 to 3 : Shri V.S.Badakh.

...

**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 19<sup>th</sup> March, 2018**

**Per Court:**

1           The Petitioner has challenged the orders dated 02.09.2016, 12.05.2017 and 12.09.2017 in the Writ Petition filed on 17.01.2018. All these orders have been passed by the Cooperative Court.

2           Chapter XIII of the Maharashtra Cooperative Societies Act, 1960 provides for Appeals, Review and Revision. Sub-sections (9) and (10) of Section 149 of the said Act enable an aggrieved person to challenge any order or decision that has been passed by the Cooperative Court before the Cooperative Appellate Court. Sub-section (10) also provides for a provision to make interlocutory orders.

3           Keeping these provisions in view, the said remedy, which is of a statutory nature, cannot be termed as being illusory. A specific

Maharashtra State Cooperative Appellate Court has been constituted for the said purpose and which is not an empty exercise.

4           Considering the above, this Writ Petition is disposed of with liberty to the Petitioner to approach the Cooperative Appellate Court.

5           Needless to state, this Court has not expressed any opinion on the merits of the orders passed, including the delay caused by the Petitioner in challenging the orders of 2016 and 2017. All contentions of the litigating sides are, therefore, kept open.

*kps*

**(RAVINDRA V. GHUGE, J.)**