

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10913 OF 2018

ULHAS KESHAV KOLHE AND ANOTHER
VERSUS
THE SANTOSHI MATA MERCHANT CO-OP.
CREDIT SOCIETY LTD. BHUSAWAL AND ANOTHER

Advocate for Petitioner : Mr. V.R. Nawathe.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 29th September, 2018.

PER COURT :

1. I have heard the learned counsel for the petitioner for quite some time.

2. In view of the provisions of the Maharashtra Co-operative Societies Act, the judgment of the Divisional Joint Registrar Co-operative Society, Nashik, dated 26/05/2014, in Revision Application No. R-86/2011, filed under Section 154 of the Maharashtra Co-operative Societies Act, and considering the contention that the respondent/Society is still attempting to illegally recover amounts when the entire recovery is concluded, the learned advocate seeks to withdraw this petition, on instructions, so as to avail of a remedy as may be permissible in law.

3. In view of the above, this petition is disposed of with liberty to approach the appropriate authority as is permissible in law. It is, further, made clear that the petitioners cannot prosecute the remedy before the Co-operative Court Jalgaon, in Dispute No. J/30/2017, and at the same time take recourse to a remedy against the respondent/Society under the Co-operative Societies Act.

4. In the event, Dispute No. J/30/2017 is withdrawn, and if the petitioners approach the appropriate authority, the time spent before the Co-operative Court, Appellate Co-Operative Court and this Court till the passing of this order, would be a good ground for seeking condonation of delay.

(RAVINDRA V. GHUGE, J.)