

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

CIVIL REVISION APPLICATION No.1056 OF 2014

Manager, Trimurti Nagari Co-op. Society & anr. Vs. Shri Manilal Ambaji Patel	... Applicants ... Respondent
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Mr.R.P. Pawar for the Applicants

Mr.P.R. Suryawanshi i/b A.M. Savagave for the Respondent

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: AUGUST 6, 2018**

P.C. :

1. This Application is filed challenging the order dated 28.8.2014 passed by the 2nd Joint Civil Judge, Senior Division, Jaysingpur, holding that it is having jurisdiction. The respondent is the plaintiff, who has filed suit for simpliciter injunction against the Manager of the Cooperative Credit Society. An objection was raised on the ground that the dispute cannot be tried in the civil Court as there is a bar under the Maharashtra Cooperative Societies Act and it is to be tried before the Cooperative Court.

2. The trial Court framed a preliminary issue under section 9A of the Civil Procedure Code. However, the revision application abates as the section is deleted vide a recent Maharashtra Ordinance.
3. It is to be noted that the respondent has already filed a Dispute No.399 of 2011 under section 91 which was dismissed on 30.8.2011 and the revision application filed by the respondent was also dismissed by the Divisional Joint Registrar, Kolhapur against the steps taken and order passed pursuant to the recovery certificate issued under 100/85 of the Act.
4. In view of this, as the suit is pending from 2011, the trial Court to expedite the suit and conclude it within a period of three months from today. Parties to cooperate.
5. Civil Revision Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)

Vishwanath
Satyanarayana
Sherla

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