

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

36 WRIT PETITION NO. 6438 OF 2018

SINDHPANA MATSYA VYAVSAY SAHAKARI SANSTHA LTD.,
MAJALGAON THROUGH ITS SECRETARY AND OTHERS
VERSUS
MAHARUDRA UTTAM GHENE AND OTHERS

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Advocate for PetitionerS : Mr. Devdatt P. Palodkar
Advocate for Respondent Nos.1 to 10 : Mr. Kamlakar J.
Suryawanshi Advocate for Respondent Nos.11 to 13 :
Mr. Vithal H. Dighe

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CORAM : V. K. JADHAV, J.
DATED : 09th December, 2019

PER COURT:-

1. Learned counsel for respondent nos. 1 to 10, on instructions, submits that after remand, the evidence is already commenced before the Co-operative Court and even the respondents/original disputants have examined one witness and the case is posted on 12.12.2019 for remaining two witnesses.

2. Though learned counsel appearing for the petitioners vehemently submitted that the remand order passed by the appellate court is patently illegal, incorrect and improper, however, so far as the points framed by the appellate court with directions to

the Co-operative Court to consider those points are concerned, the petitioners herein can very well raise the points before the Co-operative Court which are already raised in this Writ Petition and it is for the Co-operative Court to record findings in respect of those points framed additionally in terms of the remand order on its own merits in accordance with law. All points kept open, including the point raised in this Writ Petition that the proceedings initiated before the Co-operative Court have now become infructuous. The Writ Petition is accordingly disposed off.

(V. K. JADHAV, J.)

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