IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7879 OF 2019
(Namdeo Khushalrao Khade Vs. New Hitopdesh Co-op.Housing Society and others)

Mr.R.T.Nagargoje h/f Mr.M.V.Nagargoje, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 09/07/2019

PER COURT :

1. The petitioner is aggrieved by the order dated 27/04/2017 passed by the Co-operative Court, Aurangabad, vide which his Case No.CCA-283/2013 has been dismissed on account of delay of 23 years. He is also aggrieved by the judgment of the Co-operative Appellate Court dated 18/02/2019, vide which his Appeal No.71/2017 has been dismissed.

2. The learned Advocate for the petitioner has strenuously canvassed the points formulated in the memo of the petition. With his assistance, I have gone through the petition paper book and the record available.

3. A specific issue of limitation was framed by the Co-operative

Court, keeping in view that an application transferring his shares was tendered by the petitioner to the Society some time in 1990 and a dispute was raised alleging a fraudulent transfer of the plot, after 23 years.

4. Record reveals that the application said to have been filed by the petitioner was before the Appellate Co-operative Court. By the said application, the petitioner had transferred the shares of the society to one Mrs.Narmada Bankar. The adoptive son of Mrs.Bankar took the possession of the plot after her demise in 1996. On the basis of the transfer of shares, the Society noted that the plot was also transferred by the petitioner. It is after 23 years that the petitioner now claims that the said application was never tendered by him, notwithstanding the fact that the said application bears his signature.

5. Considering the above, I do not find that the Courts below have committed an error in passing the impugned orders. This petition, being devoid of merit, is therefore, dismissed.

(Ravindra V.Ghuge, J.)