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

WRIT PETITION NO. 11898 OF 2017

Sou. Chandrabhabha Devendra AgasePetitioner

V/s.

Solapur Mahangarpalika SarvasadharanRespondents
Sevakanchi Sahakari Pat Sanstha (M)
and others

Mr. Ajit V. Alange for the Petitioner

CORAM : NITIN W. SAMBRE, J.

DATE : JULY 29, 2019.

P.C.

The petitioner was a disputant before the Co-operative Court, Solapur in Dispute No. CC1393/2004 wherein a claim for illegal dismissal from the services of a Co-operative Societies was agitated.

2 The Co-operative Court vide order dated 27/07/2016, on merit, adjudicated the claim of the petitioner and dismissed the dispute which was confirmed in Appeal No. 89 of 2016 vide order

dated 23/01/2017.

3 The submissions of the learned counsel for the petitioner are, in view of the Judgment of the Apex Court in the matter of **The Maharashtra Cooperative Housing Finance Corporation Ltd. Vs. Prabhakar Sitaram Bhadange**¹, the Co-operative Court has no jurisdiction to entertain the dispute in relation to service matter of an employee of a Co-operative Society. According to him, both Judgments are liable to be set aside with liberty to the petitioner to canvass his claim before the competent forum.

4 In view of the fact that the issue is squarely covered by the aforesaid Judgment of the Apex Court delivered in **The Maharashtra Cooperative** [cited supra], a motion is made by the learned counsel for the petitioner in response to the Court's query for withdrawal of the petition.

5 Petition stands disposed of as withdrawn with liberty to the

¹ [(2017) 5 SCC 623]

petitioner to agitate his claim *qua* his dismissal before competent forum.

6 In case, if the issue of delay cropped up, time spent in prosecuting the dispute up to this Court be considered.

[NITIN W. SAMBRE, J.]