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

WRIT PETITION NO.11443 OF 2014

Mrs. Swati Ravindra Shinde ..Petitioner
Versus
State Government of Maharashtra and others ..Respondents

Ms. Asha Bhamnani P. I/by Krishna Kelkar, Advocate for the
Petitioner.

Mr. Pranav Thakur I/by Little & Co., Advocate for Respondent No.2.

Mr. S. B. Kalel, AGP for Respondent No.1 – State.

Mr. S. S. Patil, Advocate for Respondent Nos.3 to 6.

**CORAM: B. R. GAVAI &
DAMA SESHADRI NAIDU, JJ.**

DATE: 2nd APRIL, 2019

P.C.:-

1] Petitioner has approached this Court making various allegations, including that Respondent Nos. 3, 4 and 5 have hijacked Respondent No.6 – Society of which she was a Promoter. It is also the contention of the Petitioner that there is a huge fraud involving allotment of plot of land by Respondent No.2 in favour of Respondent Nos. 3 to 6.

2] It will be relevant to refer to Clause (v) of the terms and conditions of the allotment letter, which reads thus :-

“v) There is dispute between the Chief Promoter of society Mrs Swati Shinde and the office bearers of the society for which legal procedures are going a before Jt. Register co-op. Societies Pune. Office bearers of the society have submitted Indemnity bond in this regard dt;07.02.2014. The Chief Promoter Mrs Swati Shinde has submitted her representation dt;07.02.2014. This allotment is subject to the decision of Jt. Registrar Co-op. Societies and the decision will be binding on both parties, and this allotment order is liable to be changed/amended/cancelled accordingly if is necessary.”

It is thus clear that there appears to be an *inter se* dispute between the Petitioner on one hand and Respondent Nos. 2 to 5 on the other with respect to the management of Respondent No. 6 – Society. It further appears that there is already a pending dispute before the competent authority with regard to the said Society.

3] Petition thus involves disputed questions of facts and law. Petitioner has other alternative remedies available, such as taking out proceedings before the Joint Charity Commissioner and that she is also entitled to invoke the provisions of Section 91 of the Maharashtra Co-operative Societies Act to resolve the *inter se* dispute

between the Members on the one hand and Society on the other. We do not find that invoking of extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India is a proper remedy for deciding such dispute.

4] Petition is disposed of with liberty to the Petitioner to take such steps as are permissible in law.

5] Normally, we would not have directed the authority to give benefit of Section 14 of the Limitation Act to such a litigant. However, it appears that the Petition was totally misadvised. In our view, a litigant should not be made to suffer on account of mistake committed by the lawyer. In that view of the matter, we direct that, in the event, there is any delay in taking out proceedings in accordance with law, Petitioner would be entitled to the benefit of Section 14 of the Limitation Act for the period for which she was prosecuting the present remedy.

(DAMA SESHADRI NAIDU, J.)

(B. R. GAVAI, J.)