

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1282 OF 2019

(GURUKRUPA SHASKIYA GRUH NIRMAN SAHAKARI SANSTHA LTD....VS.. BHIMRAO DHONDBAJI
ZALKE.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.A.Mohta, Advocate for Petitioner.
Shri S.J.Kadu, Advocate for Respondent.

CORAM : Z.A.HAQ, J.

DATED : MARCH 01, 2019.

Heard.

The respondent has filed dispute before Co-operative Court under Section 91 of the Maharashtra Co-operative Societies Act, 1960 contending that though Plot No.25 is allotted to him and he has paid the entire amount for the plot to the petitioner/Co-operative Society, the petitioner/Co-operative Society is avoiding to handover the possession of the plot to the disputant. In this dispute, the Co-operative Society had filed an application contending that the claim of the disputant is barred by limitation and the issue of limitation be decided as preliminary issue. Accordingly, the Co-operative Court framed the preliminary issue on the point of limitation and decided it by order dated 14th November 2017. The Co-operative Court held that the dispute is filed within the prescribed period of limitation. Against this order, the petitioner/Co-operative Society had filed revision before the Co-operative Appellate Court which is also dismissed by the impugned judgment.

According to the petitioner/Cooperative Society, the disputant was informed by a communication dated 31st January 2002 that Plot No.25 was allotted to him, but the disputant failed to take possession of the plot and after he retired in 2010, he manipulated the resolution of the Co-operative Society regarding allotment of Plot No.25 and then filed the dispute on the basis of that resolution.

According to the respondent/ disputant, he has paid the entire amount for the plot in question.

The petitioner/Co-operative society has not been able to point out that the disputant was informed that allotment of plot in favour of the disputant is cancelled.

In the facts of the case, I find that the claim of the petitioner/Cooperative Society that the dispute is filed after the prescribed period of limitation is without any basis. The impugned orders are based on proper appreciation of the material on record and are in consonance with law. I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE