

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

WRIT PETITION NO.2442 OF 2017

Kirit Hathsingh Mody & Ors. ..Petitioners
Vs.
Ashok Appasaheb Desai & Anr. ..Respondents

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Mr. K. H. Mody, Petitioner in person and Respondent No.1 in WP No.10947/2015.

Mr. G. V. Pandya, Advocate for Respondent No.1 and for petitioner in WP No.10947/2015.

Ms. V. S. Nimbalkar, AGP for Respondent / State.

**CORAM : C.V. BHADANG, J.
DATE : 06th FEBRUARY, 2020**

P.C.

. I have heard the petitioner No.1 in person.

2. The challenge in this petition, is to the order dated 17/12/2016 passed by the Co-operative Appellate Court at Mumbai in Appeal No.60/2014. By the impugned judgment and order, the Co-operative Appellate Court while dismissing the appeal has confirmed the order dated 5/5/2016 passed by the Co-operative Court below Exh.38 filed by the petitioner, for dismissal and stay of the dispute No.CC/IV/01/2014.

3. The petitioner No.1 in person states that the dispute has become infructuous and therefore, it needs to be dismissed.

4. A perusal of the impugned order passed by the Co-operative Court which has been confirmed by the Co-operative Appellate Court shows that the Courts below have found that the dispute cannot be stayed pending disposal of the revision application before the learned Minister. In any event, the revision application itself has now been disposed of on 24/7/2015. The Co-operative Court has also found that the matter involves disputed questions, and the dispute cannot be stayed and/or dismissed on the basis of a preliminary objection. Thus, no exception can be taken to the impugned order.

5. The petition is without any merit and is accordingly dismissed, with no order as to costs.

C.V. BHADANG, J.