

Vidya Amin

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

**WRIT PETITION NO. 9802 OF 2016
WITH
WRIT PETITION NO. 9810 OF 2016**

Deenanth Nagari Sahakari Path Sanstha
Mydt., Sangli, through Managing Director

... Petitioner

V/s.

Ninaidevi Sahakari Sakhar Karkhana Ltd.
Kokurud & Ors.

... Respondents

Mr. Ranjit Thorat, Senior Advocate a/w. Mr. Kedar J. Patil i/b. Mr. Nilesh Patil for the petitioner.

Mr. Ashutosh M. Kulkarni a/w. Mr. Akshay Kulkarni for respondent nos. 2 to 15 and 17 to 21.

**CORAM : G.S.KULKARNI, J.
DATE : 23 November, 2021**

P.C.:

1. Heard Mr. Thorat, learned senior counsel for the petitioner and Mr. Kulkarni, learned counsel for respondent nos. 2 to 15 and 17 to 21.

2. The challenge raised in this petition is to an order dated 11 April, 2016 passed by the Maharashtra State Cooperative Appellate Court (Mumbai) Bench, Pune in Appeal No. 161 of 2014 and Appeal No. 162 of 2014 which were disposed of in terms of the following order:

ORDER

"1) The Appeal bearing No. 161 of 2014 and Appeal bearing No. 162 of 2014 is hereby allowed subject cost of Rs.5,000/- by each

appellant to the disputant/respondent no. 1 society on or before 27.04.2016.

2) The judgment and award dated 04.01.2013 passed by the Id. Trial Judge Coop. Court no. 1, Sangli in dispute bearing no. 761 of 2007 is hereby set aside.

3) The matter is remanded back to the Id. Trial Court for afresh hearing.

4) Parties are directed to appear before the Trial Court on 27.04.2016 at 11 a.m.

5) Id. Trial Judge is hereby directed to see whether the directions given by this Court are complied by the opponents/appellants or not, and after due compliance of the same, take the matter on board and proceed further as per law.

6) If the appellants/opponents failed to comply the order, the disputant/respondent no. 1 is at liberty to execute the award accordingly.

7) The original judgment is to be attached along with Appeal bearing No. 161 of 2014 and the true copy be attached with Appeal No. 162 of 2014.

8) R & P of trial Court be send back to the trial Court immediately.”

3. On perusal of the impugned order, it is clear that the Appellate Court has remanded the matter back to the trial Court for a fresh hearing. These Writ Petitions are filed in May, 2016 and have remained pending. Perusal of the record indicates that the disputes pertains to the year 2007, being Dispute No. 761 of 2007, which was adjudicated and the orders passed thereon were subject matter of the appeal. The principal proceedings being of the year 2007, in my opinion, it would be appropriate that the parties now appear before the trial Court and pursue the proceedings before

the trial Court as remanded by the Appellate Court.

4. The parties at the first instance shall appear before the Cooperative Court on 29 November, 2021 at 11 a.m. and present this order before the trial Court. Learned trial Judge in due regard to the fact that the dispute is of 2007, shall make an endeavour to decide the dispute as expeditiously as possible and within a period of six months from 29 November, 2021.

5. All contentions of the parties on merits of the dispute are expressly kept open.

6. Both the petitions are disposed of in the above terms. No costs.

(G.S.KULKARNI, J.)