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

**WRIT PETITION NO. 11866 OF 2019
WITH
INTERIM APPLICATION NO. 226 OF 2021
IN
WRIT PETITION NO. 11866 OF 2019**

Shylaja Vijayan
vs.

.. Petitioner

Madhuri Tambe (Ex.Secretary) & ors.

.. Respondents

Mr. Mathew Nedumpara i/b. Rohini Amin for the petitioner.

Ms. Sadhna Singh a/w. Naveen Kumar for respondent Nos. 1 to 7.

Mrs. M.S. Bane, AGP for State.

CORAM : M.S.KARNIK, J.

DATE : FEBRUARY 18, 2021

P.C.:-

Heard learned counsel for the petitioner and learned counsel for the respondent Nos. 1 to 7.

2. Learned counsel Shri Nedumpara for the petitioner submits that the petitioner was appointed as an administrator of the society by an order dated 20/9/2019. Thereafter, by an order dated 25/9/2019 the petitioner was removed as an administrator. The petitioner filed a dispute before the Co-operative Court at Thane being Dispute No. 138 of 2019. The Co-operative Court on 10/10/2019 issued notice to the respondents and in the

This order has been corrected pursuant to the order dated 30/10/2021

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meantime restrained the respondents from giving effect to the order dated 20/9/2019 passed by the Deputy Registrar till the next date. On 20/11/2019 which was next date an application was made on behalf of the petitioner – disputant for continuation of the interim order granted and for adjournment. Factually the ad-interim was not continued after 20/11/2019.

3. The petitioner approached this Court by filing this Petition and alleged that the ad-interim order granted by the Co-operative Court is breached and for other reliefs. From the record it is seen that the ad-interim order granted was operating for the period from 10/10/2019 till 20/11/2019. In case, the petitioner alleges that there is breach of an ad-interim order passed by the Co-operative Court, it is always open for the petitioner to make appropriate application before the Co-operative Court in this behalf or seek appropriate remedy.

4. Even the dispute regarding removal of the petitioner as an administrator is pending before the Co-operative Court which needless to mention will be decided by the Co-operative Court on its own merits and in accordance with law.

5. Learned counsel for the petitioner further submits that an application for mandatory injunction has been filed before the Co-operative Court which is yet to be decided. In case, such an application for injunction is on record or an application is filed for mandatory injunction, the Co-operative Court is requested to decide the same on its own merits expeditiously.

6. The hearing of the dispute before the Co-operative Court is expedited.

7. In case the petitioner alleges the breach of an interim order of the Co-operative Court or this Court, it is open for the petitioner to take out appropriate proceedings for agitating her grievance.

8. All contentions are kept open.

9. With these observations, the Writ Petition is disposed of.

10. In view of the disposal of the Writ Petition, the Interim Application is disposed of.

(M.S.KARNIK, J.)