

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

912 WRIT PETITION NO.1427 OF 2021

ADHALA GRAMIN BIGARSHETI SAHAKARI PAT SANSTHA MYDT.
DEVTHAN, THR. ITS MANAGING DIRECTOR
VERSUS
ANIL RAMKRUSHNA RAHANE AND OTHERS

...

Advocate for Petitioner : Mr. R.D. Bhalerao

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 8th July, 2022

ORDER :-

1. Heard the learned Advocate for the petitioner. Though served, none appears for the respondents.

2. The petitioner filed Regular Darkhast No.18 of 2012 for execution of award passed by the Co-operative Court, Kopargaon, under Section 96 of the Maharashtra Co-operative Societies Act. The learned Joint Civil Judge, Junior Division, Akole, by the impugned order has refused to entertain the execution proceedings for want of jurisdiction.

3. In *Akole Taluka Shikshak Va Shikshakettar Karmachari Gramin Bigar Sheti Sahakari Pat Sanstha Mydt. Vs. Punaji s/o Pandurang Dhongade* [2019 (6) Mh.L.J. 917], this Court held "it is open for the party in whose favour the award has been passed under Section 96 of the Act to select particular forum of execution and if party wants to get the said award executed like

the decree of the Civil Court, the Civil Court of the local jurisdiction cannot refuse to execute the award".

4. The issue raised in the present petition is thus squarely covered by the above citation.

5. In the light of the aforesaid ratio, writ petition is allowed in terms of prayer clause-'C'.

6. Impugned order dated 21st December, 2013, passed by the learned Joint Civil Judge, Junior Division, Akole, District. Ahmednagar, below Exh.-1 in Regular Darkhast No.18 of 2012, is hereby quashed and set aside.

7. Regular Darkhast No.18 of 2012 is relegated back to the the learned Joint Civil Judge, Junior Division, Akole, District. Ahmednagar, for decision in accordance with law.

(NITIN B. SURYAWANSHI)
JUDGE

SPT