

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3494 OF 2016

Dattatraya Baburao Ghadge

... Petitioner

Versus

Vithal Baburao Ghadge & Ors.

... Respondents

Mr. S.S. Patwardhan for the petitioner.

Mr. Pramod G. Kathane for respondent no. 1.

Mr. Ashok Kotangle a/w. Mr. Prabhakar Ranslee & Ms. Jyoti
Khairmode i/b. Mr. Krishna M. Kadam for respondent no. 2.

Mr. S.D. Rayrikar, AGP for the State/respondent nos. 3 and 4.

CORAM: G. S. KULKARNI, J.
DATED: 13 January 2023

P.C.

1. Heard Mr. Patwardhan, learned counsel for the petitioner, Mr. Kathane, learned counsel for respondent no. 1, Mr. Kotangle for respondent no. 2 and Mr. Rayrikar, learned AGP for respondent nos. 3 and 4.

2. The order assailed in the petition is an order dated 15 December, 2015 passed by the Divisional Joint Secretary, Cooperative Societies, Kolhapur whereby Revision Application No. 582 of 2013 filed by respondent no. 1 has been allowed. The said revision application was filed assailing an order dated 17 April, 2013 passed by the Deputy Registrar, Cooperative Societies being an order passed under section 23(2) of the Maharashtra Cooperative Societies

deciding the issue of membership of respondent no. 2-Society in favour of the petitioner.

3. It appears from the submissions as advanced at bar that there is a Civil Suit pending between the parties, being RCS No. 737/2012 filed in the Court of learned Civil Judge Junior Division, Sangli. In the said suit, there is already an order of temporary injunction passed in favour of respondent no. 1 dated 11 June, 2014 whereby the petitioner has been directed not to create third party rights in respect of property in regard to which the membership issue has been dealt by the petitioner.

4. In my opinion, considering the nature of the disputes between the parties, subject matter of present proceedings, as also considering the fact that substantive civil suit is pending between the parties, this petition ought not to be kept pending any further. It needs to be disposed of with a direction that in the event, if share certificate is issued in favour of the petitioner by respondent no. 2-Society, the same shall abide by further orders which would be passed in the pending civil suit between the parties.

5. All contentions of the parties in the civil suit are expressly kept open.

6. Needless to observe that the civil suit be decided independently on its own merits without being influenced by any of the orders passed in this proceedings which arises under the Maharashtra Cooperative Societies Act.
7. The petition is disposed of accordingly. No costs.

(G. S. KULKARNI, J)