

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3459 OF 2022
WITH
INTERIM APPLICATION NO. 17287 OF 2022
IN
WRIT PETITION NO. 3459 OF 2022

Ratanchand K. Jain and Another ... Petitioners.

V/s.

State of Maharashtra and Others ... Respondents.

WITH
WRIT PETITION NO. 3453 OF 2022
WITH
INTERIM APPLICATION NO. 2638 OF 2023
IN
WRIT PETITION NO. 3453 OF 2022

Vimlakumari R. Jain and Another ... Petitioners.

V/s.

State of Maharashtra and Others ... Respondents.

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Ms Sunanda Kumbhat for the Petitioners in both the Petitions.
Mr. R. P. Kadam, AGP for Respondent Nos. 1 and 2-State in both
the Petitions.

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**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 12 October 2023.

P.C. :

On 7 September 2023 we had adjourned the petition for the learned Counsel for the Petitioners to take instructions as to whether the issue can be agitated in the Co-operative Court.

2 The learned Counsel for the Petitioners states that the dispute can be decided in the Co-operative Court. The learned Counsel however prays for two directions. One, for expeditious disposal of the proceedings that would be filed. Secondly, the Petitioners have deposited certain amounts with the Respondent-Society pursuant to the directions of this Court and suitable orders be passed thereupon.

3 Considering the fact that a statutory remedy is available to the Petitioners, thereafter appeal and further proceedings, keeping all contentions of the parties open, we dispose of the petition.

4 If the Petitioners take out an application for direction to the Respondent- Society for refund, adjustment etc. of the amount paid under the orders of this Court, the Co-operative Court will consider the same on its own merits, however, will give priority to the same as by ad-interim order this amount was deposited.

5 If the Petitioners make an application/request for early disposal of the proceedings to be filed before the Co-operative Court, considering the age of Petitioner No. 1 of 84 years, the Co-operative

Court will consider giving priority for disposal of the dispute, subject to earlier time bound directions.

6 With these observations, the Writ Petitions are disposed of.

7 In view of the disposal of the Writ Petitions, the Interim Applications do not survive and the same are also disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)