

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1702 OF 2017
IN
WRIT PETITION NO.5024 OF 2016
WITH
WRIT PETITION NO.5024 OF 2016

Shribhav Co-operative Housing Society Ltd.Applicant/Petitioner
V/S
Maharashtra State Co-operative Appellate
Court, Mumbai & Ors.Respondents

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Mr. Vivek V. Salunke for the Applicant/Petitioner.
None for Respondent.

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CORAM : SANDEEP V. MARNE, J.
DATE : NOVEMBER 4, 2023.

P.C.:

CIVIL APPLICATION:

1 The Civil Application is filed for restoration of Writ Petition dismissed for non-prosecution on 14 June 2017._

2 For the reasons stated in the Civil Application, the same is allowed.
The Writ Petition is restored.

WRIT PETITION:

1 By this Petition, the Petitioner-Society challenges order dated 5 December 2015 passed by the Maharashtra State Co-operative Appellate Court, Mumbai. By that order, the Co-operative Appellate Court has set aside the judgment and order passed by the Co-operative Court on 18 November 2014 by which the Respondent was directed to pay Rs.1,10,305/- to the Society. After setting aside the order of the Co-operative Court, the Co-operative Appellate Court remanded the proceedings to Co-operative Court for deciding afresh. By now a period of eight years elapsed from the date of remand by the Co-operative Appellate Court. Upon being enquired, the learned Counsel appearing for the Petitioner is unable to state the exact status about the remanded proceedings before the Co-operative Court. In my view, no purpose would be served in examining the correctness of the order dated 5 December 2015, which merely remands the proceedings before the Co-operative Court. The Petitioner shall be entitled to raise all the contentions before the Co-operative Court, in case the proceedings still remain pending before it.

2 With these clarifications, the Writ Petition is disposed of.

(SANDEEP V. MARNE, J.)