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

**WRIT PETITION NO.12535 OF 2023
IN
REVISION APPLICATION NO.15 OF 2022
IN
DISPUTE NO.CC/III/275 OF 2014**

Ashok Appasaheb Desai & Anr. ...Petitioners

V/s.

Kirit Hathisingh Mody & Ors. ...Respondents

Mr. Girishkumar Pandya Petitioner No.2- in person.

Mrs. V.S. Nimbalkar, AGP for State-Respondent.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 1st December 2023**

P.C.:

- 1.** Heard Mr. Girishkumar Pandya, the Petitioner No.2 in person.
- 2.** The Petitioner No.1 is senior citizen of 83 years and it is stated in the cause title that he has lost his memory due to old age.
- 3.** In the Writ Petition, which has been filed under Article 227 of the Constitution of India, the challenge is to the legality and

validity of the order dated 31st August 2023 passed by the learned President, Maharashtra State Co-operative Appellate Tribunal, Mumbai in Revision Application No. 15 of 2022. By said order, the Revision Application has been dismissed and order dated 6th June 2022 passed by learned Judge, Co-operative Court, No. 3, Mumbai below Exhibit 77A in Dispute No. CC/III/275/2014 has been confirmed.

4. The said Application Exhibit 77A has been filed under Order XII, Rule 6 of Code of Civil Procedure, 1908 *inter alia* contending that in view of admissions in the documents, it is confirmed that the Opponents i.e. the Respondents were illegally and unlawfully acting from 2nd September 2015 to 2nd September 2020 as the office bearers of the Society and therefore, the judgment and award be pronounced on the admission. However, perusal of the dispute shows that what is challenged in the dispute is the Resolution dated 23rd December 2013 passed by Respondent No.6- Society in its General Body Meeting. Therefore, even taking the entire case of the Petitioners as true that the documents on record shows that the Respondents have worked in illegal manner from 2nd September 2015 to 2nd September 2020, the same will not entitle the Petitioner to get the judgment and award on admission.

5. Both the Courts have concurrently found that there is no substance in the application filed under Order XII Rule 6 of Code of Civil Procedure, 1908.

6. Accordingly, no interference is warranted under Article 227 of Constitution of India. The Writ Petition is dismissed, however, with no order as to costs.

(MADHAV J. JAMDAR, J.)