

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.237 OF 2020

Shaikh Imam S/o Shaikh Kasam .Vs. Paradise Cooperative Tenants Ownership
Housing Society Limited and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.A. Joshi, Advocate for the petitioner.

Shri A.R. Deshpande, Advocate for the respondent Nos.4 to 7.

CORAM : ANIL S. KILOR, J.

DATED : 09/08/2023

1. In the present matter, the Co-operative Court as well as the Co-operative Appellate Court both have held against the petitioner on the ground of jurisdiction of the Co-operative Court to entertain the dispute filed by the petitioner, considering the prayers made in the dispute. However, the Appellate Court while holding that, under Section 91 of the Maharashtra Co-operative Societies Act, 1960, the dispute filed before the Co-operative Court does not fall, has given finding on merit which is not permissible.

2. Therefore, at this stage, the only prayer made by the petitioner is that, if the dispute is presented before the Competent Court, the Competent Court may not get influence by the observation made by the Appellate Court on merit of the matter.

3. Considering the request made by the learned counsel for the petitioner and considering the observation which have made by the learned Appellate Court on merit which are unwarranted once the Court has held that the Co-operative Court has no jurisdiction, I do not find any reason to deny the prayer made by the petitioner.

4. Accordingly, the writ petition is **disposed of**. It is made clear that, on submitting the suit before the Competent Court, the Court shall not get influenced by any of the observation made by the Co-operative Appellate Court made on merits of the matter, while deciding the suit.

JUDGE