



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

4 WRIT PETITION NO. 569 OF 2024
AND
5 WRIT PETITION NO. 611 OF 2024

Suryabhan s/o. Bhaurao Warule,
Age 66 years, Occu. Retired,
R/o. Warule Wasti, Nagar Manmad Road,
Rahuri, Tq. Rahuri, Dist. Ahmednagar .. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Co-operative and Handloom
Department, Mantralaya,
Mumbai – 32.
2. Dehere Vividh Karayakari Seva
Sahakari Soceity Ltd., Dehere,
Taluka and Dist. Ahmednagar
Through its authorised offier .. Respondents

Mr. Prashant P. Giri and Vinod B Jadhav, Advocates for the
Petitioner;
Mrs. R. R. Tandale (Choure), AGP for Respondent No.1;
Mr. Vivek V. Tarde, Advocate for Respondent No.2/caveator

CORAM : S. G. MEHARE, J.
DATE : 31-01-2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. The petitioner was a Secretary of respondent No.2/Dehere Vividh Karayakari Seva Sahakari Society Ltd., Dehere. The disputes were filed against him. The Judge, Co-operative Court, Ahmednagar, by two judgments passed the awards against the

petitioner. The petitioner had filed an appeal against those judgments before the Maharashtra State Co-operative Appellate Court, Mumbai, Bench at Aurangabad, contending that his lawyer did not conduct the trial. Hence, the Judge, Co-operative Court, Ahmednagar, proceeded *ex-parte*. The Co-operative Appellate Court took a lenient view and set aside both judgments. However, imposed the condition to deposit certain amount.

3. Learned counsel for the petitioner submits that the petitioner has been retired. He has no source of income. He could not run away from the awards. However, some concession may be given to him to deposit the amount, as directed by the learned Co-operative Appellate Court.

4. The learned counsel for the respondent No.2 opposed the application. He submits that a huge amount is to be recovered from him. He has misappropriated money of the society and used it for his own benefits.

5. Both lawyers did not dispute that the original dispute against the petitioner was proceeded *ex-parte* and he did not get an opportunity to contest the dispute. However, fact remains that awards are against him. To make the justice, certain concession to deposit money as per the orders of the learned Co-operative Appellate Court may be granted. Hence, both writ petitions are disposed of on the following conditions;

- i) The petitioner shall deposit Rs.3,00,000/- in Writ Petition No.611 of 2024 and Rs.75,000/- in Writ Petition No.569 of 2024, with the learned Judge, Co-operative Court, Ahmednagar, within a month from today.
- ii) The orders of the learned Co-operative Appellate Court remanding the matter back is maintained.
- iii) Both parties to appear before the Court of the learned Judge, Co-operative Court, Ahmednagar, on 09.02.2024.
- iv) Learned Judge, Co-operative Court, Ahmednagar, is directed to dispose of the disputes within three months from today by granting an opportunity of hearing to the present petitioner as well as respondents.
- v) There shall be no extension for depositing the amount as directed above.
- vi) If the petitioner fails to deposit the money as directed above, he will be bound by the original judgments/awards of the learned Judge, Co-operative Court, Ahmednagar.
- vii) The amount deposited by the petitioner would be subject to the judgments/awards of the disputes by the learned Judge, Co-operative Court, Ahmednagar.
- viii) It is clarified that if the petitioner is held liable to pay the amount; the same be recovered and adjusted towards the decretal amount.

**(S. G. MEHARE)
JUDGE**