

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

WRIT PETITION NO. 9431 OF 2024

Rajesh Gajanan Kutwal

...Petitioner

Versus

The State of Maharashtra Through Secretary,
Dept. Of Co-operation, Marketing And Textile
And Ors.

...Respondents

....

Mr. Anand Lawate a/w Mr. S.A. Tambutkar, Ms.Simran S. i/by
Mr. Sandeep Waghmare, for the Petitioner.

Mr. Manas Mishra for the Respondent Nos.7 to 13.

Mr. Ashish U. Dube for Respondent No.4.

Ms. V.S. Nimbalkar, A.G.P for the Respondent – State.

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CORAM : AVINASH G. GHAROTE, J.

DATE : 31st JULY, 2024

P.C.:

1. Learned counsel parties to place on record the bye-laws of the society, as it is contented that the petitioner could not have been disqualified from continuing to be a chairman as he had transferred the property held by him in the building of the society, thereby divesting him of the shares which is claimed to be automatic as against which the petitioner claims, that there were two units held by him and divesting him of one unit would not

have resulted in the devastating him of the shares in the society. For determining this question, the bye-laws would be necessary.

2. The conduct of the respondent No.4 as spelt out from the communication dated 28.04.2023 (Page-28), by which the society had supplied him as many as 18 documents as listed therein and his endorsement which indicates that he will get back President and Treasurer of the society in case any of the documents were missing and the fact, that the learned counsel for the respondent No.4 has been unable to point out any such communication thereafter addressed by respondent No.4 to the President/Treasurer to indicate any number of documents which were claimed to be missing, indicates that the respondent No.4 is only interested, in harassing the members of the society and indulging in litigation.

3. List the matter on 1st August, 2024 at 10.30 a.m. (First on Board)

(AVINASH G. GHAROTE, J.)