



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

Writ Petition No.3830 of 2022

MANGALDAS S/O SADASHIV KAMBLE AND ANOTHER VS SAGAR S/O KISHOR AADMANE 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 S.A. Walde, Advocate for the Petitioner/s

Shri S.P. Kshirsagar, Advocate for the Respondent No.1

Shri Warun Kunde, Adv. h/f Adv. Deshpande for the respondent No.3

CORAM : ANIL S. KILOR, J.

DATED : 10.01.2024

1. Heard.
2. The present dispute is in respect of the plot No.53 of Khasara No.77/1, Patwari Halka No.44, Mouza Parsodi and in relation to the said plot three different proceedings were filed; one by the petitioner No.1 before the Co-operative Court, Nagpur, second by the petitioner No.2 before the Civil Judge Junior Division, Nagpur, and third by the respondent No.1 before the District Consumer Dispute Redressal Forum, Nagpur (Consumer Forum).
3. The petitioner No.1 by way of dispute filed before the Co-operative Court, Nagpur sought cancellation of the sale deed dated 23.01.1991. Whereas, in Regular Civil Suit No.903 of 2001 filed by the petitioner No.2, she is praying for declaration that she is a lawful owner of the plot in dispute by virtue of the sale deed dated 02.08.1996 and third proceedings before the Consumer Forum, the respondent No.1 is claiming permanent

injunction from disturbing his possession over the land in question.

4. In the above referred backdrop, the petitioners applied for intervention in the complaint file by the respondent No.1 before the Consumer Forum by filing two separate applications. Both the applications of the petitioners for intervention came to be rejected vide two separate orders on 01.10.2020 which was the subject matter of challenge in revision before the State Consumer Dispute Redressal Commission, Nagpur (State Commission).

5. The State Commission rejected both the revisions filed by the petitioners vide judgment and order dated 21.04.2022. Thereafter, the final order was passed by the Consumer Forum on 30.05.2022, which is under challenge in this writ petition.

6. Admittedly, the applications of the petitioners, seeking intervention in Consumer Complaint No.CC/234/2020 filed by the respondent No.1, were rejected by the Consumer Forum. On filing of revision, it was upheld by the State Commission. The said order has attained finality, in absence of any further challenge at the behest of the petitioners. The final order passed by the Consumer Forum in the Consumer Complaint of the respondent No.1, partly allowing the complaint and thereby, confirming the possession of the complainant i.e. the respondent No.1 would not come in the way of the petitioners in their respective proceedings for the reason that the petitioners were not parties to the said complaint and there is no order passed against the petitioners. Whereas, the impugned order was passed

against the society i.e. Magaswargiya Rail Karmachari Gruhanirman Sahakari Sanstha Maryadit, Nagpur.

7. In that view of the matter, the challenge at behest of the petitioners to the impugned order is not tenable and accordingly, the writ petition is **dismissed**.

[ANIL S. KILOR, J.]