



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

WRIT PETITION NO.6039 OF 2024

(Ramesh s/o Ramchandra Mahajan Vs. The Presiding Officer, Maharashtra State
Co-operative Appellate Court, Nagpur and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. R. P. Joshi, Advocate for Petitioner.
Mr. B. M. Lonare, AGP for Respondent No.1/State.
Ms. Shweta V. Jaiswal, Advocate for Respondent No.2.

CORAM: N. R. BORKAR, J.
DATE: 15th OCTOBER, 2024.

Respondent no.2 herein had filed the dispute under Section 91 of the Maharashtra Co-operative Societies Act, before the Co-operative Court, Nagpur. By Award dated 10.04.2024 the Co-operative Court, Nagpur dismissed the said dispute. The respondent no.2 had challenged the said award before the learned Appellate Co-operative Court by filing appeal. The learned Appellate Co-operative Court by order dated 12.09.2024 has dismissed the said appeal, however, continued the interim order, which was operating during the pendency of appeal. The said order reads thus:

“To enable the parties to challenge the judgment and award, in the interest of justice, the operation of order dated 12.09.2024 is hereby stayed and order dated 20.06.2024 passed below Exhibit 5 in appeal no.33/2024 will remain in force till 12.11.2024.”

2. The above order is impugned in this petition.
3. The learned counsel for the petitioner submits that the learned Appellate Co-operative Court has passed the order impugned on its own. It is submitted that the same is not permissible.
4. On the other hand the learned counsel for the respondent no.2 submits that oral request was made to extend the order dated 20.06.2024 passed below Exhibit-5.
5. I have perused the impugned order and there is no reference of oral request. In that view of the matter, the order impugned can not be allowed to stand and the same is quashed and set aside.
6. The petition is disposed of in the aforesaid terms.

(N. R. BORKAR, J.)