



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

SECOND APPEAL NO. 776 OF 2022

1. Dhansingh s/o Radhakisan Pardeshi
Died Through Lrs.
2. Dilip s/o Dhansingh Pardeshi (Othwal)
Age: 60 yrs Occu. Agril, r/o Jalke (BK)
Tq. Newasa Dist. Ahmednagar.
3. Sunil s/o Dhansingh Pardeshi (Othwal)
Age 56 yrs Occu & r/o as above

.....APPELLANTS
(Orig-Defendants)

VERSUS

1. Sandusingh s/o Radhakisan Pardeshi
Age: 76 yrs, Occu. Agril, r/o jalke (BK)
Tq. Newasa, Dist. Ahmednagar.

.....RESPONDENT
(Orig-Plaintiff)

Mr. S. K. Adkine, Advocate for Appellants
Mr. S. V. Natu, Advocate for Respondent

CORAM : ROHIT W. JOSHI, J.

DATED : 03RD APRIL, 2025

PER COURT :-

. The defendant, who has suffered concurrent decrees by the learned Trial Court and the learned First Appellate Court in a suit for declaration of ownership filed by the respondent against him has filed the present Second Appeal contending that the sale deed executed in favour of the plaintiff is hit by Section 48(d) of the Maharashtra Co-operative Societies Act.

2. The learned Advocate for the appellant submits that the statutory bar against sale of property is not properly considered by the learned Courts giving rise to substantial question of law.

3. Mr. Sharad Natu, learned Advocate places reliance of judgment of this Court in the matter of *Narayan Kisan Gade Vs. Machchindranath Kundlik Tarade, 1994 Mh.L.J 558* to contend that the ground that a sale deed is bad in view of Section 48(d) of the Maharashtra Co-operative Societies Act can be raised only by the society concerned and not by any other person. The contention raised by the learned Counsel for the appellant is clearly covered against him by the said judgment.

4. In that view of the matter, it is clear that the ground canvassed by the learned Counsel for the appellant is not available to the appellant. Therefore no substantial question of law arise for adjudication in the present Second Appeal.

5. The Second Appeal is **dismissed** with no orders as to costs.

(ROHIT W. JOSHI, J.)