

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 15891 OF 2023

Nanasaheb Punjaji Pawar And Others

VERSUS

The Mula Pravara Electric Co Operative Society Limited Through Its  
Managing And Another

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Advocate for the Petitioner : Mr. V.D. Hon, Senior Advocate i/b Mr.  
Hon Ashwin V.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 18, 2025

PER COURT :

1. Heard Mr. Hon, learned senior counsel for the petitioners.
2. By way of present petition, the petitioners assail the order dated 05.01.2019 passed by the learned Judge, Co-operative Court, Shrirampur in Dispute No.A.B.N. 24 of 2011, whereby the dispute filed by the petitioner came to be dismissed and aggrieved by the same, the appeal filed by the petitioners was also dismissed by the Member, Maharashtra State Co-operative Appellate Court, Mumbai, Bench at Aurangabad by order dated 27.04.2022.
3. Mr. Hon, learned senior counsel vehemently submits that the license of respondent no.1, who is having license of distributing the electricity of respondent no.2 to members of respondent no.1 society was not renewed and to that effect, the proceedings are going on. The petitioners who are members of respondent no.1 society filed

a dispute with a prayer that respondent no.2 be restrained from transferring the immovable property of respondent no.1 society. The learned Co-operative Court after considering the evidence led by the parties, though held that as far as dispute under Section 91 is concerned, that was held to be maintainable. The learned Judge Co-operative Court while recording the findings which reads as under :

“5. From the rival contention my predecessor has framed following issues-

1) Whether this court has jurisdiction to try and entitlement the dispute under section 91 of M.C.S. Act?

- finding

- Partly in affirmative.

2) Whether the opponent No.2 prove that disputant are under obligations to served notice u/s 164 of M.C.S. Act 1960?

- finding

- In negative.

3) Does the disputants prove that they are entitled for the perpetual injunction against opponent No.1 to not to transfer or hand over property of the general body in the area of operation of the opponent No.1 to or any other?

- finding

- In negative.

4) Whether disputants prove that they are entitled for the perpetual injunction for the property of the opponent No.1 against opponent No.2, its officers employees or agent?

-finding

- In negative.

5) What order and award?

- finding

- As per final order.”

4. The Judge Co-operative Court by holding that the petitioner are the strangers to the contract between respondent nos.1 and 2 and as there was a contract between respondent nos.1 and 2 and on that count, the Judge Co-operative Court dismissed the suit.

5. Considering the above findings recorded by the Judge Co-operative Court which is confirmed by the Appellate Court, I do not find any perversity in the order passed by both Courts below. I am not inclined to entertain the petition under Article 227 of the Constitution of India. The petition is disposed of.

**(SIDDHESHWAR S. THOMBRE, J.)**