

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3490 OF 2025
WITH
INTERIM APPLICATION (ST) NO.31175 OF 2025**

Bapurao Dnyanoba WaghPetitioner
Vs.
Sumitra Gramin Bigarsheti
Sahakari Patsanstha Akluj & Ors.Respondents

Mr. Santosh M. Chougule, for the Petitioner.
Mr. Abhiit D. Kulkarni, for the Respondent Nos.1 to 3.
Mr. J. P. Patil, AGP, for the Respondent Nos.4 & 5-State.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 11th DECEMBER 2025

PC:-

1. Heard learned Advocate appearing for respective parties.
2. The present Writ Petition takes exception to order dated 2nd April 2024 passed by Co-operative Court, Solapur in Dispute No.686 of 2011 as well as Judgment and Order dated 4th September 2024 passed by Maharashtra State Co-operative Appellate Court, Pune, thereby affirming order dated 2nd April 2024 passed by Co-operative Court. The Petitioner suffered *ex parte* decree in Dispute No.686 of 2011. He filed application for setting aside *ex parte* decree vide

Miscellaneous Application No.8 of 2023 before Co-operative Court at Solapur. In that application, Petitioner filed application below Exhibit 5 seeking stay to execution and implementation of *ex parte* decree. The Co-operative Court rejected said application, therefore, Petitioner approached Co-operative Appellate Court in Appeal from Order No.10 of 2024. The Co-operative Appellate Court, rejected Appeal upholding order passed by Co-operative Court below Exhibit 5 in Miscellaneous Application No.8 of 2023. Hence, this Writ Petition.

3. The record indicates that Petitioner's application for setting aside *ex parte* decree, i.e., Miscellaneous Application No.8 of 2023 is still pending before Co-operative Court. The period of about two years has been lapsed from date of filing of application.

4. In that view of matter, without delving into merits of contentions of parties regarding impugned order, purpose would be served, if directions are issued for expeditious disposal of Miscellaneous Application No.8 of 2023 pending before Co-operative Court.

5. In result, Writ Petition stands disposed of. The Co-operative Court shall decide Miscellaneous Application No.8 of 2023 expeditiously and in any case, within a period of four months from today.

6. In view of disposal of Writ Petition, Interim Application, if any, shall also stand disposed of.

(S. G. CHAPALGAONKAR, J.)

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