

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18356 OF 2024

Sampatrao Pawar

....*Petitioner*

: *Versus* :

1. Tumoja Srinivas Chari & Ors.

....*Respondents*

Mr. A.Y. Sakhare, Senior Advocate i/by. *Mr. Hemant Ghadigaonkar, for the Petitioner.*

CORAM : SANDEEP V. MARNE, J.

Dated : 28 March 2025.

P.C. :

1) Heard Mr. Sakhare, learned senior advocate appearing for the Petitioner.

2) Issue notice to the Respondents returnable on 5 May 2025. In addition to court notice, private service is permitted. It is made clear that an endeavor shall be made to finally decide the petition on the next date of hearing.

3) Mr. Sakhare would submit that the correct remedy for Respondent No.1 for alleging misappropriation is to file application before the Registrar under Section 83 of the Maharashtra Co-operative Societies At, 1960. He would submit that the Registrar, after taking cognizance of such complaint, can exercise suo-moto power and direct

enquiry under Section 83 of the Act. He would further submit that if in such enquiry under Section 83, any illegalities or irregularities are observed, the matter can be further taken under Section 88 of the Act in which further enquiry can be conducted for ascertainment of losses suffered by the Society, as well as for fixing the accountability against each member of the Managing Committee. He would therefore submit that the Dispute before Co-operative Court itself is not maintainable.

4) Till the next date of hearing, there shall be ad-interim relief in terms of prayer clause (d).

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[SANDEEP V. MARNE, J.]