

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION NO.18356 OF 2024

Sampatrao A Pawar

... Petitioner

V/s.

Tumoja Srinivas Chari & Ors.

... Respondents

Mr. A. Y. Sakhare, Sr. Advocate i/b Hemant P.
Ghadigaonkar, for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 19, 2025

P.C.:

1. The challenge in the present Writ Petition arises from the rejection of an application filed by the petitioner (original opponent) seeking framing of an issue regarding the maintainability of the dispute under Section 91 of the Maharashtra Cooperative Societies Act, 1960 ("the MCS Act"), and consequently praying for dismissal of the dispute as not maintainable on the ground that the Society has not been impleaded as a party. The Cooperative Court rejected the said application holding that the defect pointed out by the petitioner is curable. The Revisional Authority, while dismissing the revision, further held that the Society is sufficiently represented in the proceedings through its Chairman.

2. On perusal of the dispute application filed by Respondent No.1, it is evident that the Society has not been made as a party.

Section 91 of the MCS Act requires that at least one of the parties to the dispute should be either a Society or a person claiming through a Society.

3. Mr. Sakhare, learned Senior Advocate appearing for the petitioner, submitted that in the absence of the Society being impleaded, the dispute under Section 91 is not maintainable, and therefore the Courts below were not justified in rejecting the petitioner's application.

4. In the context of the above submission, I have carefully perused Section 91 of the MCS Act. Section 91 contemplates that both parties to the dispute must fall within one or the other categories enumerated in clauses (a) to (e) of sub-section (1) of Section 91. The petitioner falls within the category of "any past committee or present officer", while the disputant falls within the category of "member" under clause (b) of sub-section (1) of Section 91. Accordingly, a dispute filed by a member against any past committee or present officer is maintainable even in the absence of the Society as a party. Hence, the orders passed by the Courts below therefore do not suffer from any infirmity.

5. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)