



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4459 OF 2024

Asha Ramesh Chourasiya

Vs.

Niwara Co-operative Housing Society Ltd.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.P. Kshirsagar, Advocate for the Petitioner.
Mr. Shraddhanand Bhutada, Advocate for the Respondent.

CORAM: SIDDHESHWAR S. THOMBRE, J.

DATED : 15th OCTOBER, 2025

1. Heard Mr. S.P. Kshirsagar, learned counsel for the petitioner and Mr. Shraddhanand Bhutada, learned counsel for the respondent.

2. Learned counsel for the petitioner has invited my attention to the order dated 30.04.2024 passed by the learned Maharashtra State Co-operative Appellate Court, Mumbai, in Appeal No.47/2014 whereby, the learned Appellate Court has held that the dispute is not maintainable under Section 91 of the Maharashtra Co-operative Societies Act, it does not fall under the category that it touches the business of the society.

3. Therefore, without going into the merits of the matter, and considering the fact that the registration of the society is that of a housing society, it squarely falls within the domain of the learned Co-operative Court, to decide the issue under Section 91 of the Co-operative

Societies Act. Therefore, the Co-operative Appellate Court has committed an apparent error in deciding the said issue. Further, once the Appellate Court hold that it does not have jurisdiction to entertain the dispute, it was not proper on its to decide the matter on merits.

4. In view thereof, the writ petition is **partly allowed**. Order dated 30.04.2024 passed by the learned Maharashtra State Co-operative Appellate Court, Mumbai, in Appeal No.47/2014 is hereby set-aside. The matter is remitted back to the Learned Co-operative Court to decide it afresh, by giving an opportunity of hearing to both the parties within a period of three months from today. All the points are kept open.

(SIDDHESHWAR S. THOMBRE J.)

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