

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15382 OF 2025

Rajendra Alias Vishwanath Kisanrao Gupte

VERSUS

The State Of Maharashtra And Others

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Advocate for the Petitioner : Mr. Bhosale Vishwambhar Keshav

AGP for Respondent/State : Mr. K.B. Jadhavar

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : FEBRUARY 02, 2026

PER COURT :-

1. Heard.
2. Present writ petition takes exception to order dated 04.10.2025 passed by Member Maharashtra State Co-operative Appellate Court, Mumbai Bench at Aurangabad in A.O. No.9/2025, whereby order dated 20.06.2025 passed by Judge Co-operative Court, Latur below Exhibit-5 in Dispute No.297 of 2024 has been upheld.
3. The petitioner filed Dispute No.297 of 2024 under Section 91 of Maharashtra Co-operative Societies Act, 1960 against respondents seeking relief for declaration and perpetual injunction. The petitioner has particularly prayed to declare that petitioner and other members of society are entitled for refund of deposit made with society along with interest and sought direction to release the same by electronic clearance. In pending dispute, petitioner filed an application below Exhibit-5 seeking mandatory injunction to release amount. The Co-operative Court rejected petitioner's application filed

below Exhibit-5 observing that disputed questions needs to be tested in trial after recording of evidence of parties, all members of society are not made party. The petitioner has not filed dispute in representative capacity and amount sought to be refunded is not specified.

4. The petitioner preferred A.O No.09 of 2025 before Co-operative Appellate Court at Aurangabad who concurred with Co-operative Court and dismissed the appeal.

5. Mr. Bhosale, learned advocate appearing for petitioner would submit that petitioner's application for temporary injunction has been primarily rejected because amount of petitioner's entitlement was not specified hence, no relief can be granted. The Appellate Court also observed that unless both parties lead evidence, no relief can be granted.

6. Apparently, petitioner has to prove entitlement for refund of amount as per policy laid down in Government Resolution dated 21.01.2017. Looking to claim in application for temporary injunction, it cannot be said that petitioner established *prima facie* case or he would suffer irreparable loss. So far as second contention of petitioner that bogus record has been prepared to show election of society, such allegations needs to be tested after recording evidence. The Courts rightly observed that reliefs claimed against election are vague and unsustainable at this stage.

7. Considering the controversy raised and reasoning adopted by both Courts, no case is made out to cause interference in exercise of writ jurisdiction. However, if petitioner amends the dispute or files an independent application giving necessary details or adds necessary parties, he shall be at liberty to reiterate relief of temporary injunction.

8. Writ Petition stands dismissed with liberty in aforesaid terms.

(S.G. CHAPALGAONKAR, J.)