

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1417 of 2025****With****CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2026****In****R/SPECIAL CIVIL APPLICATION NO. 1417 of 2025**=====
CHIYADA SEVA SAHKARI MANDLI LTD. & ORS.**Versus****VANABHAI RAMABHAI BHARWAD & ORS.**
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Appearance:

MR MASOOM K SHAH(6516) for the Petitioner(s) No. 1,10,2,3,4,5,6,7,8,9

NEHA M SHAH(9218) for the Petitioner(s) No. 1,10,2,3,4,5,6,7,8,9

MR DIPAN DESAI(2481) for the Respondent(s) No. 1,2,3,4,5,7

NOTICE SERVED for the Respondent(s) No. 6,8,9
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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 11/06/2026****ORAL ORDER**

1. Heard learned advocate, Mr.Masoom Shah, for the petitioners, learned AGP Mr. Kanara for the respondent-State and learned advocate, Mr.Dipan Desai. for private respondents.

2. By way of this petition, the petitioners have prayed for the following relief:-

"9. The petitioners, therefore prays as follows:

A) Be pleased to quash and set aside the order dated 07.01.2025 passed by the Ld. Gujarat State Co-operative Tribunal, No 1, Ahmedabad, in Revision Application No. 58 of 2023. (Annexure-P1)

B) Pending admission, hearing, and final disposal of this Petition, please be pleased to stay with the operation, implementation, and effect of the order dated 07.01.2025 passed by the Ld.Gujarat State Co-operative Tribunal, No.1, Ahmedabad, in Revision Application No. 58 of 2023 (Annexure-P1)

C) Be pleased to grant Ad-interim relief in terms of para 9(b) of this Petition.

D) Costs of this Petition be awarded.

E) Such further and other relief, order or direction which may be just, fit, proper and equitable in the facts and circumstances of the Petition.”

3. During the course of arguments, it was pointed out by learned advocate, Mr.Masoom Shah as well as learned advocate, Mr.Dipan Desai that the interim order passed by the Board of Nominees on 27.09.2023 in Lavad Case No.249 of 2023 was carried by way of an appeal before the Cooperative Tribunal, in Revision Application No.58 of 2023, wherein the Gujarat State Cooperative Tribunal No.1, Ahmedabad, *vide* its order dated 07.01.2025 has allowed the revision application and has quashed the order dated 27.9.2023 passed by the Board of Nominees. This petition is preferred against the aforesaid order passed by the Tribunal.

4. Both learned advocates Mr.Masoom Shah and learned advocate Mr.Dipan Desai have submitted that the main controversy is still pending before the Board of Nominees by way of Lavad Suit No.249 of 2023, and it was the interim order only which was carried before the Tribunal and subsequently before this Court by way of this petition.

5. Therefore, both learned advocates, Mr.Masoom Shah and Mr.Dipan Desai, have arrived at a consensus that, without considering the merits of this petition and without opining anything about the interim order dated 07.01.2025 passed by

the Tribunal in Revision Application No.58 of 2023, if the matter is remanded back to the Board of Nominees, with a direction to the Board of Nominees to hear and decide Lavad Suit No.249 of 2023 within a period of three months from today, the interest of justice would be served.

6. Both the learned advocates appearing for the contesting parties have apprehended that it may not happen that the Board of Nominees may consider that, as this Court has remanded back the matter to the Board of Nominees, the Board of Nominees may get influenced by the interim order which is already operating in favour of the present petitioner, therefore, this Court may clarify that the Board of Nominees may decide the Lavad Suit by taking into consideration all the material available on record and by considering the submissions that may be advanced by the learned advocates for the parties. It is also submitted by learned advocates for the parties jointly that it may be clarified by the Court that the disposal of this petition has nothing to do with merits, and the order is passed on the basis of consensus, and therefore, the Board of Nominees may *de novo* examine the case of the petitioners, and all the rights and contentions of all the parties may be kept open.

7. In view of the above consensus arrived at between the parties, the petition is disposed of by issuing following directions:-

(i) The Board of Nominees, Ahmedabad, is directed to hear and decide the Lavad Suit No.249 of 2023, preferably within a

period of three months, but in any case, latest by 30.09.2026.

(ii) Both the parties apprehend that, looking to the pendency of cases before the Board of Nominees, once the timeline of 30.09.2026 gets over, the Board of Nominees may prefer an application for extension of time, for which both the parties are not agreeable. Therefore, the parties have requested that the Board of Nominees may be directed specifically to hear and decide the Lavad Suit No.249 of 2023 on day-to-day basis. Both the parties have also assured that they will extend full cooperation. In view of this, if required, the Board of Nominees may devote at least one hour for hearing of the Lavad Suit every day, and, in any case, the Board of Nominees must conclude the hearing and pass the order latest by 30.09.2026.

(iii) It is further clarified that this Court has not gone into the merits of the matter. Merely because the interim order is operating against the present respondent, the same would not influence further hearing of the Lavad Suit No.249 of 2023.

(iv) The Board of Nominees, while deciding the Lavad Suit, is also directed not to get influenced by any observations made by the Gujarat State Cooperative Tribunal in its impugned order dated 07.01.2025 passed in Revision Application No.58 of 2023.

(v) Both the parties have certain issues about the management of the society, and therefore, if any issue is raised before the Board of Nominees, the Board of Nominees may consider the same and, after hearing the parties, may

adjudicate upon those ancillary issues as well, within the time limit prescribed by this Court.

8. With the above observations, present petition is disposed of. Interim relief granted by this Court *vide* order dated 07.02.2025 shall remain in operation till final disposal of the Lavad Suit No.249 of 2023. Direct service is permitted.

9. In view of above order, connected Civil Application will not survive, and the same is disposed of accordingly.

R.S. MALEK

(NIRZAR S. DESAI,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RIYAZMIYA SABIRMIYA MALEK(HC00180), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 12/06/2026 17:24:54