

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 230 of 2023**

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DINESHKUMAR RAJENDRAPAL AGRAWAL

Versus

THE AHMEDABAD MASKATI CLOTH DEALERS COOPERATIVE SHOPS
AND WAREHOUSES SOCIETY LIMITED

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Appearance:

THAKKAR AND PAHWA ADVOCATES(1357) for the Applicant(s) No. 1
for the Opponent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 26/06/2023****ORAL ORDER**

1. Mr Ravi Pahwa, learned advocate appearing for M/s Thakkar and Pahwa Advocates, submitted that the suit, was filed by the respondent which, is a unregistered co-operative society. It is submitted that certificate Exhibit 44 which was produced, is in the name of Ahmedabad Maskati Cloth Market Co-operative Housing Society Limited and not the respondent. Though the court below has decided the said issue against the respondent, it entertained the suit only on the ground that the relationship of the tenant and landlord, is not disputed.

2. Reliance is placed on the judgment of this Court in the case of *Shree Hari Cooperative Housing Society Ltd. v. State of Gujarat* passed in Special Civil Application no.23299 of 2019 whereby, relying upon the judgment in the case of *Laxminagar Co-operative Housing Society v. Mamlatdar and another* wherein, it has been held that *an unregistered co-operative society is not a legal entity in the eyes of law and therefore, the suit, would not be maintainable at its*

end.

3. Considered the submissions. Issue notice to the respondents, returnable on 24.07.2023. By way of ad-interim relief, parties are directed to maintain status quo till the next date of hearing.

RAVI P. PATEL

(SANGEETA K. VISHEN,J)