

ITEM NO.62

COURT NO.6

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).18878/2011

(From the judgement and order dated 31/01/2011 in WP No.10597/2010
of The HIGH COURT OF BOMBAY AT AURANGABAD)

TERNA SHETKARI SAH SAKHAR KARKHANA

Petitioner(s)

VERSUS

JAIN IRRIGATION SYSTEM LTD JALGAON & ANR

Respondent(s)

(With prayer for interim relief and office report)

Date: 19/03/2012

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. Sudhanshu S.Choudhari, Adv.

For Respondent(s)

Mr. P.S. Patwalia, Sr. Adv.

Mr. Sandeep Narain, Adv.

UPON hearing counsel the Court made the following
O R D E R

This petition is directed against order dated 31.01.2011 passed by the learned Single Judge of the Bombay High Court, Aurangabad Bench in Writ Petition No.10597 of 2010, whereby he set aside the order passed by Maharashtra State Cooperative Appellate Court (for short, 'the Appellate Court') constituted under the Maharashtra State Cooperative Society Act, 1960.

We have heard learned counsel for the parties and

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carefully perused the record.

In our view, the reasons assigned by the learned Single Judge of the High Court for entertaining the respondents' challenge to the order of the Appellate Court are legally correct and the order under challenge does not call for interference under Article 136 of the Constitution.

Undisputedly, the petitioner had filed application under Order 1 Rule 10 CPC after completion of its evidence and no explanation was given for belated filing of the application for impleading 246 persons as parties to the proceedings pending before the Appellate Court. Therefore, we do not see any valid ground to set aside the order passed by the learned Single Judge of the High Court.

The special leave petition is accordingly dismissed.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master