
(1997) 02 AHC CK 0128
In the Allahabad High Court
Case No : C.M.W.P. No. 15505 of 1986

Maqsood Khan

APPELLANT

Vs

VIIth Addl. District Judge and Others

RESPONDENT

Date of Decision : 20-02-1997

Acts Referred:

Citation : (1997) 02 AHC CK 0128

Hon'ble Judges : M.L. Singhal, J; Binod Kumar Roy, J

Bench : Division Bench

Advocate : H.N. Sharma, for the Appellant; M.C. Singh and S.C., for the Respondent

Final Decision : Dismissed

Judgement

Binod Kumar Roy and M.L. Singhal, JJ.—In this writ petition the Petitioner assails validity of the order dated 3rd July, 1986 passed by VIIth Additional District Judge. Bulandshahr in Civil Revision No. 92 of 1985, holding his original suit No. 196 of 1984 as being barred by Sections 70 and 111 of the U.P. Co-operative Societies Act, 1965 (hereinafter referred to as the Act).

2. Mr. Sharma learned Counsel for the Petitioner tried to persuade us that the dispute raised by the Petitioner is not covered u/s 70 of the Act but we do not find any substance in his contention.

3. While recording his findings the learned Additional District Judge has considered the pleadings of the Petitioner as well as Section 70 of the Act after correctly holding that for the purpose of deciding the jurisdiction of the civil court the allegations made in the plaint are relevant. On his own case the Petitioner is a member of the Sahkari Ganna Vikash Limited, Bulandshahr (the Co-operative Society in question) and that the dispute was between him and the aforementioned Society about the loan taken by him. Apparently the advance of the loan in favour of the Petitioner was made in course of the business of the Cooperative Society and, thus, we are of the view that the learned Additional

District Judge has not committed any error of jurisdiction, what to talk of any error of law in holding against the Petitioner.

4. In the result, this writ petition is dismissed but in the peculiar facts and circumstances we make no order as to costs.