

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8823 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE B.S.KAPADIA &

MR P.C. MASTER

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

SOMALAL MANILAL SHAH

Versus

MAFATLAL ZUMCHAND SHAH

Appearance:

MR HARIN P RAVAL for Petitioners
MR TUSHAR MEHTA for Respondent No. 1
MR KS JHAVERI for Respondent No. 2

CORAM : MR.JUSTICE B.S.KAPADIA & MR PC MASTER

Date of decision: 26/01/2001

ORAL JUDGEMENT

In this petition the order passed below exh.4

dated 27.8.1993 passed by the Gujarat State Cooperative Tribunal in Revision Application No.175 of 1993 has been challenged.

2 Hon'ble Mr Justice C.K. Thakkar by the order dated 3.9.1993 has suspended the order passed by the Tribunal. The Tribunal had passed the order to the effect that during the pendency of the Revision Application No.175 of 1993 names of the persons who are elected should not be declared in the Annual General Meeting and those who are elected are not to work as the Director of the Board of Directors. They were also prevented from exercising their votes as the Directors of the Board of Directors of the Bank. As stated above, the operation of the said order has been suspended by this Court. It is a very old petition and Mr Somalal Manilal Shah, petitioner no.1, has remained personally present and he has placed a writing before us, which is taken on record. In the said writing he has pointed out that the matter has arisen out of some dispute in the election. Thereafter number of elections have taken place and hence the present petition has become infructuous. He has also pointed out that petitioner no.4 - Sevantilal L Shah has expired five years back. It may be noted that his heirs are also not brought on record. Petitioners nos.2 and 3 are also agreeable and requested him to convey that the present petition has become infructuous.

3 In view of the said writing duly signed by him (duly counter-signed by Mr Harin P Raval) and in view of the fact that subsequently number of elections have taken place, the present petition has become infructuous and therefore the petition stands disposed of as having become infructuous.

26.01.2001 (B.S. Kapadia, J. (Rtd.))

(P.C. MASTER)
(mohd) (Member)