

CNR NO. MHCO010002972023

Dispute No. 235/2023

Deepak Jagdish Tejale

Vs

Mini Johnson & another

ORDER BELOW EXH-17

1. By way of present application, opponent no.2 is seeking for extension of time for compliance of order dated 04/07/2024.

2. Opponent Nos.2 submitted that an order was passed on 04/07/2024. However, due to difference of opinion between members of managing committee, society was unable to give instructions about compliance of cost. Hence, extension of two months be granted to comply with aforementioned order by allowing the present application.

3. Per contra, disputant submitted that opponent No.2 has already complied with order dated 04/07/2024. Therefore, present application has become infructuous. Hence, present application be disposed of.

4. Heard both the sides and perused the record. In the present dispute vide exh. 13, an order was passed on 04/07/2024, by condoning the delay to file written statement of opponent no.2. As per the said order, opponent was to pay cost of Rs.2,500/- to the disputant, on or before next date in the present dispute i.e. **23/08/2024**.

5. Disputant submitted that he has already received aforementioned cost. However, present application was made on

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23/08/2024. On the other hand, indeed on order below exh.13 disputant gave acknowledgement that he received aforementioned cost. But disputant has not mentioned any date below the same. The compliance as mentioned above had to be done on 23/08/2024 itself.

6. Proceeding further. Difference of opinion between committee members cannot be a reason, to not to comply with order of the court. Hence, reason given by opponent does not sound justified to me. But, considering the nature of present dispute application, to decide the same on merit, one final opportunity needs to be given to opponent. Hence, considering the principles of natural justice and in the light of provision of **section 148** of **the Code of Civil Procedure**, I proceed to pass the following order-

ORDER:

1. Application vide exh. 17 is partly allowed.
2. As disputant has already received cost vide exh.13. Therefore, opponent No.2 to file written statement on next date in the present dispute, without fail.

Sd/-

Place: Mumbai
Date: 22/10/2024

(Prachi N. Gosavi)
Judge, Co-operative Court No.4,
Mumbai.