



In the Court of Judge, Co-operative Court Thane at Thane
(Presided over by Smt. B. P. Jadhav, Judge)

Dispute No. CCT 10/2025
CNR No. MHCO04-000010-2025

Nilopher Arif Shaikh and others

Disputant

Vs

Sameer S. Momin and others

Opponents

Order below application Exh. 26
(Declared on 11/09/2026)

1. The present application is filed by the disputant under Order 6 Rule 17 of Code of Civil Procedure 1908 read with Section 91 of Maharashtra Co-operative Societies Act 1960.
2. It is contended that the present dispute is filed against election held in Loksubhi Complex, Chandramukhi Building B1 to B4. The disputant has filed present election dispute under section 91 of the Maharashtra Co-operative Societies Act 1960 challenging the election of the managing committee held on 13/10/2024. While filing the said dispute due to inadvertence and bonafide mistake the disputant could not mention and implead the name of "Chandramukhi Loksubhi B1 to B4 Co-operative Housing Society Ltd., Near Patri Pool Kalyan (W)" the said name mentioned as opponent title (1) and Sameer Momin opponent (1a) as be added in opponent. The Co-operative Society is a necessary and proper party to the present Election dispute and without its presence the dispute cannot be effectively and completely adjudicated. The omission is purely technical, unintentional and not with only malafide intention. The proposed amendment will not change the nature of the

dispute cause of action or relief claimed. No any prejudice will be caused to the opponents if amendment is allowed. Whereas grave injustice will be caused to the applicant if the amendment is rejected on technical ground. It is well settled that procedural defects are curable and matters should be decided on merits, particularly in election disputes. Hence prayed to allow the present amendment such as society name be added as title cause (1) and Sameer Momin as (1a) and permission be given to the disputant to add the following party as opponent No.(1a) as be amended and Sameer Momin as (1a) in the cause title as mentioned in the application.

3. The opponent No.1 to 10 filed say on the application itself and submitted that the application may be allowed subject to heavy cost. But the say of the opponent No.11, 12 and 13 are required which is must as per CPC 1908 to this application. For this application may be allowed after receiving the say of the opponent No.11, 12 and 13 as per the Civil Procedure Code.

4. The opponent No. 11 to 13 failed to file their say.

5. After hearing both the parties and perusing the documents on record following points arise for my consideration.

Sr. No.	Points	Findings
1	Whether the application is entitled to be allowed ?	In the affirmative
2	What order ?	As per final order

REASONING

AS TO POINT NO. 1 AND 2

6. After careful perusal of the entire proceeding, in the light of averments made in the present application and say filed

by the opponent it is seen that the present dispute has been filed by the disputant challenging election and for various other reliefs.

7. It is seen that the opponent has consented to allow the application but subject to heavy cost.

8. Therefore I am of the view that any dispute filed under section 91 should be between the registered co-operative society and its members. Therefore "Chandramukhi Loksurbhi B1 to B4 Co-operative Housing Society Ltd., is a necessary party to the present dispute since its election is disputed and without its presence the dispute cannot be effectively and completely adjudicated. Therefore amendment sought for is necessary for the effectual adjudication of the case. Hence in the interest of justice application needs to be allowed. Accordingly I pass the following order.

Order

1. Application at Exh. 26 is allowed.
2. The disputant is directed to carry out the amendment within 14 days from the date of this order.

Sd/-

Place : Thane
Date : 11 / 09 / 2026

(Smt. B. P. Jadhav)
Judge
Co-operative Court, Thane