

In the Court of Judge, Co-operative Court Thane at Thane  
(Presided over by Mrs. M. A. Sali, Judge)

**Dispute No. CCT 874/2005**  
**CNR No. MHCO04-000014-2005**

The Maharashtra State Co-operative  
Housing Finance Corporation Ltd.

Disputant

V/S

The Kisan Co-operative Housing Society Ltd.

Opponent

**Order**  
**(Below application Exh. 186)**

**1.** The present application filed by the new managing committee members of the opponent society to replace the name of new committee members in place of old committee members and submits that the election of Kisan Co-operative Housing Society held on 05/03/2017 and after the election on 16/03/2017 new members have been elected and therefore it is necessary to replace their names. To replace the old names with the new names of the managing committee member such as the chairman, secretary and treasurer therefore prayed that to direct the disputant to replace the old names with the new names in the record.

**2.** Disputant filed the reply and strongly opposed the application and submitted that the office bearers of the Kisan society not necessary party but the original dispute was filed against the members of the Kisan society who borrowed the housing loan from the disputant Corporation. As the office bearers of the Kisan Co-

operative Society were not necessary parties therefore it is not at all necessary to replace the names of new managing committee members and prayed that the application be dismissed.

**3.** Considering the rival contentions the following issues are raised for my consideration and I have given findings on each of them with reasons as under :-

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

### **REASONS**

#### **AS TO ISSUE NO. 1**

**4.** After perusing the application and the say and the dispute proceeding I find that the present dispute is filed by the disputant for recovery of loan amount from the members of the opponent no. 1 society. After perusing the dispute I find that the disputant made the chairman, secretary and the treasurer and the committee member party to the dispute along with the members from whom the present dispute is filed for recovery of the loan amount. It is the contention of the disputant that the office bearers are not the necessary parties. Therefore there is no need to replace the name of old members but I find that the society is a Corporate body having its official seal and signature and it is necessary that the present office bearers who are representing on behalf of the society are required to be added as a party in the present dispute. As the office bearer of the opponent

society voluntarily came forward to replace their names with the old managing committee I find that there is no need to file any independent application for them to add as a party in the dispute. Hence considering the above discussion I proceed to pass the following order.

**Order**

1. Application is allowed.
2. The disputant is hereby directed to replace the name of the new managing committee member in the name of old managing committee member on or before next date.

Place : Thane  
Date : 18 / 03 / 2019

( Mrs. M. A. Sali )  
Judge  
Co-operative Court, Thane