

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

Dispute No. CCT 710/2005

CNR No. MHCO04-000028-2005

The Rupee Co-operative Bank Ltd.

Disputant

V/S

Shri. Kamal Chhabria and others

Opponents

Order Below Application Exh. 207

(Declared on 24/07/2024)

1. Applicant has filed present application for impleading them as the disputant.

Brief facts of the application are as under :

2. It is the contention of the applicant that the present dispute is filed by the disputant against the opponent No. 1 to 5 to recover the amounts that sanctioned and disbursed to opponent No.1 a sole proprietor of M/s Kamal Chhabria Construction to the extent of Rs. 10,00,000/- of Cash Credit Limit for meeting its working capital requirements and term loan for Rs. 3,00,000/- with further interest total outstanding amount of Rs. 2,54,83,628.82 as on 31/12/2001 from the opponents. The disputant by the present dispute inter alia seek to recover an amount of Rs. 2,54,83,628.82 as on 31/12/2001 from the opponents.

3. It is contended that the present matter is pending at the hearing stage and meantime the Reserve Bank of India has cancelled the banking license of the disputant bank vide its order dated 10/08/2022 and Commissioner for Co-operation and Registrar of Co-operative Societies Maharashtra State, Pune had directed for winding

up the affairs of the disputant bank and appointed the Liquidator vide order dated 31/10/2022.

4. It is contended that since the disputant bank is now under liquidation and the affairs of the disputant bank have been conducted by the Liquidator w.e.f. 01/11/2022. It is now mandatory to take out the said application to Transpose the present application in place of original disputant. Therefore with the changing circumstances it has now become necessary to amend the title of the present dispute and subsequent changes in the descriptions of the disputant bank.

5. It is contended that the applicant is not setting up a new case vide the proposed amendment, neither any new cause of action being introduced nor seeking to withdraw any admission nor the proposed amendment tends to cause any other kind of prejudice to any right accrued to the opponents. The proposed amendment is not barred by limitation and no delay has occurred for filing the present application. Hence filed present application praying the amendment as per the schedule of amendment.

6. The opponent No. 4 and 5 filed their say at Exh. 208 and given their no objection to this application. However, prayed to reject the application on the ground that the nature of the dispute would be changed.

7. Considering the contentions of the disputant the following points are raised for my consideration and I have given findings on each of them with reasons as under.

Sr. No.	Points	Findings
1	Whether the present application is entitled to be allowed ?	In the affirmative

2	What order ?	As per final order
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REASONS

AS TO POINT NO. 1 AND 2

8. Perused application and say filed by the opponent. It is an admitted position that the disputant is a Co-operative bank registered as per the provisions of MCS Act 1960 and Rules framed thereunder. It is also an admitted fact that the dispute is filed to recover loan amount from the opponents.

9. It is also seen that liquidator is appointed on disputant bank by the order of The Commissioner for Co-operation and Registrar of Co-operative Societies Maharashtra State Pune dated 31/10/2022. By this application the disputant only desiring to add the liquidator to represent the society. Since it is necessary to add liquidator in the dispute to proceed with this dispute, hence this application needs to be allowed. Accordingly I pass the following order.

Order

1. Application at Exh. 207 is allowed.
2. The disputant is directed to carry out amendment within stipulated period.

Sd/-

Place : Thane
Date : 24 / 07 / 2024

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