

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

Rupee Co-operative Bank Ltd.

Disputant

V/S

Kamal Lalchand Chhabria and others

Opponents

Order below application Exh. 209
(Declared on 29/01/2025)

1. The present application is filed by the opponent No.4 and 5 for direction to the disputant represented by Official Liquidator's Representative to carry out the amendments in the dispute using the green colour code, as per the rules and established practice, indicating that this is the second amendment.

2. It is contended that the present dispute is currently listed for filing of the additional written statement by the opponent. The opponent has been supplied with the amended copy of the dispute by the disputant represented by the Official Liquidator's Representative (OLR).

3. It is contended that the amended copy of the dispute provided by the OLR has been marked with red colour code for the amendments, which typically denotes the first amendment to the dispute as per standard procedural practice.

4. It is contended that the first amendment to the dispute occurred when the present opponent No. 4 and 5 were added as parties to the dispute. This addition of opponent No. 4 and 5 was carried out with the necessary amendments to the dispute, which were duly reflected at that time. The current amendment, made after

the substitution of the original disputant by the OLR constitutes the second amendment to the dispute.

5. It is contended that as per the rules and procedural guidelines, the second amendment to the dispute must be reflected with a green colour code for proper identification of the amendments carried out at various stages, enabling the opponent to effectively understand and respond to the changes made.

6. It is contended that in the present case, since the current amendment has been incorrectly marked in red, which denotes a first amendment, it has become difficult for the opponents to ascertain what exactly has been amended in the dispute. Consequently this creates challenges for the opponent in filing the additional written statement properly addressing the specific changes made by the disputant. Hence to avoid any confusion or prejudice to the opponent, it is imperative that the amendments be carried out as per the established colour coding rules, ensuring clarity in the proceedings.

7. The disputant filed reply on the application itself and submitted that the disputant had no intention to confuse the opponents while carrying out the amendment. Disputant is ready and willing to carry out the amendment in green as per established rules. The disputant prays to give further time to carry out amendment if directed by this Court.

8. 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**

9. After careful perusal of the entire proceeding, in the light of averments made in the present application and the say given by the disputant it is seen that the disputant is ready and willing to carry out the amendment in green colour as per the rules. Hence in the interest of justice the application needs to be allowed. Accordingly I pass the following order.

Order

1. Application at Exh. 209 is allowed.
2. The disputant is hereby directed to carry out the amendment in green colour being the second amendment as per the rules.

Place : Thane
Date : 29/ 01 / 2025

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