

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

Dispute No. CCT 112/2023
CNR No. MHCO04-000119-2023

Dr. Mr. Juned Ahmed Pokar

Disputant

V/S

Shiv Amrut CHS Ltd.

Opponent

Order below application Exh. 16
(Declared on 17/10/2025)

- 1.** The present application is filed by the disputant for amendment in the dispute.
- 2.** It is contended that the disputant has filed the dispute application and after the issuance of summons, the opponent society has failed to remain present. This Court has been pleased to pass the exparte order against the opponent.
- 3.** It is contended that the disputant has prayed for the reliefs stated in the dispute application. Due to the leakage problem as stated in the present dispute, the said flat had the shabby look. As the rainy season is approaching and there was the wedding of disputant's son, the disputant carried out the internal leakage repair and the said flat in the month of December 2024. The disputant orally informed the opponent society to get the internal leakages done at society expenses. But as the society turned deaf ears, the disputant at his expenses carried out the internal leakage repair through Shree Ram Enterprises contractor and had purchased the material from S.G.P and Kalyan Electricals. The total expenses incurred by the disputant for repairing internal leakages of his flat is Rs. 51,332.68. The said amount is required to be paid by opponent society to the disputant. The disputant wants amend the dispute as stated in the schedule annexed. The proposed amendment will not change subject matter or the nature of the dispute. On the contrary it

will help in adjudication of the matter. There is no malafide intention in filing the present application, no harm and prejudice will be caused to the opponent in case the amendment proposed is allowed, as mentioned in the schedule annexed with the application. The said amendment is necessary for adjudication of the matter.

4. The opponent failed to file say on the present application.

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 it is seen that the present dispute has been filed by the disputant for declaration that the act of the opponent society of not attending the external leakages and seepages of the society building is against the provisions of bye-laws, to declare that the resolution (point) No.7 passed in the general body meeting dated 18/09/2022 regarding write off of the retained amount of M/s Royal Infra is illegal and bad in law, to direct the opponent society to carry out the repair in the disputant's flat as stated at the cost of the opponent society within period of 15 days of the order of this Court, to be allowed to carry out the said repairs in his flat at the cost of the opponent society and if the opponent society failed to carry out the repairs in the disputed flat within the time framework the disputant may be at liberty to carry out the said repairs at the cost of the opponent society and to set the amount that

may be spent by him for repair in his flat against the bill that may be issued by the opponent society for maintenance and other charges in respect of the said flat, to direct the opponent to pay Rs. 2 Lakhs to the disputant within the period of one month from the date of passing of order in present dispute towards the damage, loss and compensation on ground of mental torture and agony to the disputant and due to the damage caused to his flat, to direct the opponent society to carry out the repairs to the external side of the disputant flat at the cost of opponents.

7. On careful scrutiny of the entire proceeding I am of the view that the amendment sought for is formal one and the subsequent event arised from the same cause of action.

8. It is a subsequent event that needs to be added for the effectual adjudication of the dispute by which no prejudice caused. Therefore I am of the view that if the amendment is allowed, nature of the dispute will not be changed and no prejudice as such would be caused to the opponent since the opponent has every right to file its written statement to proposed amendment. Hence in the interest of justice amendment sought for in the application needs to be allowed. Accordingly I pass the following order.

Order

1. Application at Exh. 16 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 : 17/ 10 / 2025

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