

In the Court of Judge, Co-operative Court Thane at Thane
(Presided over by Smt. S. K. Tonpe, Judge)

Dispute No. CCT 241/2017
CNR No. MHCO04-000257-2017

Mr. Sirumalla Venunath

Disputant

V/S

Supreme Park CHS Ltd. and others

Opponents

Order
(Below application exhibit 20)

1. This application is filed by the disputant for direction to the opponent no. 1 to 4 for production of all the original documents mentioned in the application.

2. The disputant stated that the disputant has filed the documents at serial no. 1 to 24 mentioned in the present application in xerox copies before this Court. The opponent no. 1 has possession of the said documents. The disputant further stated that the said matter is at the stage of production of evidence affidavit of the disputant. From serial no. 1 to 16 are part of the applicant petition and from serial no. 17 to 24 are recent development of the society AGM which are necessary relevant documents and which are also connected to this said matter. The disputant needs documents mentioned in the application in originals from the opponent no. 1, 2, 3 and 4 to submit before this Court in support of the disputant evidence affidavit. Hence prayed that the opponent no. 1 to 4 be directed to produce all the documents mentioned in the application at serial no. 1 to 24.

3. The opponents filed reply at Exh. 24 and submitted that the present application is false, frivolous and vexatious and the contents therein are far away from truth. The disputant have suppressed the material facts from this Court and approached with unclean hands before this Court. Application is defective and not filed properly as required under the provisions of the law. There is no cause of action for filing the present application for production of the documents arise as alleged by the disputant and the disputant only to delay present proceeding and avoid to file the evidence affidavit before this Court filed present application for production of the documents which is not maintainable at all. The claim of the disputant in respect of application for production of the documents is bogus, malafide, false and vexatious and is an abuse of the process of law as the disputant can file the evidence and refer the documents in the evidence and if the opponent denied the said documents then and then only application for production of the documents be filed. However only to avoid taking further required steps the disputant is trying to waste the valuable time of this Court and delay the proceeding.

4. The opponents further submitted that the disputant should have shown the relevancy of the documents as referred in the application in the evidence affidavit, however without submitting the evidence affidavit the disputant illegally and unlawfully filed present application for production of the documents which is really ridiculous one. Even before filing the present application for production of the documents the disputant have not made any such application to the society thereby asking the true copies of the said documents, and if after filing the application to the society for demanding the

documents is not entertained by the society then and then only disputant can file such application for the production of the documents. Without showing the relevancy of the document to the evidence and subject matter question of production of the documents does not arise at all. Hence prayed to reject the application for production of the documents being premature and the disputant be directed to file the evidence.

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 present application is entitled to be allowed ?	In partly affirmative
2	What order ?	As per final order

REASONS

AS TO POINT NO. 1 AND 2

6. Perused application, say, proceeding, the documents produced on record and after hearing both parties it appears that the present application is filed by the disputant for production of the documents which are in the custody of the opponent no. 1 which includes the various letters, notice and minutes of the AGM and SGM. I find that the present dispute is filed by the disputant for a direction to the opponent to prevent from the charges of the escalation of the cost, prevent to the opponents from collecting deposit on four and two wheelers and further direction to the opponent not to collect interest on building repair fund to remove the water tap connection from the terrace. I find that opponent no. 1 is a

society and opponent no. 2 to 4 are chairman, secretary and treasurer of the society. Opponent no. 5 is the committee member of the society. It appear that the present matter is posted for evidence of the disputant. The disputant has filed present application for direction to the opponents to produce all the documents mentioned in the application in original in Court for to support the evidence affidavit of the disputant. The disputant being the member of the society he is entitled for the inspection of the documents and in the same way disputant is also entitled to obtain certified copies after filing an application for certified copies and after payment of requisite fee. Thus in view of my above discussion, in the interest of justice and to decide the case on merits I answer point no. 1 in partly affirmative and in answer to point no. 2 I pass the following order.

Order

1. The application at Exh. 20 is partly allowed.
2. The opponent no. 1 to 4 is directed to produce the documents in original mentioned in the application in the Court for inspection of the disputant and furnish certified copies of the documents mentioned in the application if application of the disputant to that effect is received and payment of copying charges is made to the society.

Sd/-

Place : Thane
Date : 29 / 04 / 2023

(Smt. S. K. Tonpe)
Judge
Co-operative Court, Thane