

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 21)

1. This application is filed by the disputant for deletion of name of opponent no. 2, 3 and 4 and to add the names of new committee members of opponent no. 1 society. The disputant stated that the society committee members of the opponent no. 1 society have been changed and new committee members have been elected in the year 2018. Therefore it is necessary to delete the names of the opponent no. 2, 3, 4 and 5. It is also necessary to add the new committee members as opponent no. 2, 3, 4 and 5 in the caption of the application. The name of the committee members to be deleted from the caption are a) Mrs. Anna Menezes, b) Mr. Jayesh Patel, c) Mr. Suhas Bindale, d) Mrs. Geeta Paresh Ajudia

2. The disputant further stated that the present committee members names to be added as per the provisions of Order VI and Rule 17 of the Civil Procedure Code in the caption are as follows :
(a) Opponent no. 2, Mrs. Chetna Chitroda, Chairman, residing at flat no. 401/B, (b) Opponent no.3, Mr. Kalpesh Leheri, Secretary, residing at flat no. 501/A, (c) Opponent no. 4, Mr. Hriday Yadav, Treasurer, residing at flat no. 402/B. Hence the disputant prayed

that he be allowed to delete the name of the opponent no. 2, 3 and 4 and add the names of the new committee members of the opponent no. 1 from 2, 3 and 4 and further be allowed by an application as and when the committee members changes.

3. The opponents filed reply at Exh. 23 and submitted that the present amendment application filed by the disputant 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. Amendment application filed by the disputant itself is defective not filed properly as required under the provisions of the law. There is no cause of action for filing the present amendment application arise as alleged by the disputant and disputant only to delay present proceeding and avoid to file the evidence affidavit before this Court filed present amendment application and also earlier filed application for production of the documents which is not maintainable at all. The claim of the disputant in respect delete the name of the previous office bearer of the society and add the name of the current office bearer of the society as alleged is bogus, malafide, false and vexatious and is an abuse of the process of law, as there is no such necessity and requirement to delete the name of the previous office bearer of the society and add the name of the current office bearer of the society. As the disputant have made society party in the present dispute newly elected office bearer of the society ultimately to follow and pursue the present proceedings and there is no question arise to add the newly elected office bearer of the society party in the present proceedings.

4. The opponents further submitted that as far as provisions of the Order VI Rule 17 is concerned there is no any such relevancy of delete the name of the previous office bearer of the society and add the name of current office bearer of the society, however disputant only to delay present proceedings illegally and unlawfully filed present amendment application which is really ridiculous one and highly objectionable. The disputant have filed the present dispute in the year 2017 and whatever the issues agitated by the disputant in the present dispute was during the tenure of the previous committee and newly elected committee and office bearer are not conversant with same and also as stated above, newly elected office bearer of the society ultimately ought to have to follow and pursue the present proceedings and there is no question arise to add the newly elected office bearer of the society party in the present proceedings. Hence prayed to reject the 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 present application is entitled to be allowed ?	In the negative
2	What order ?	As per final order

REASONS

AS TO POINT NO. 1 AND 2

6. Perused application, say, proceeding, documents produced on record and after hearing both parties it appears that disputant has filed present dispute in the year 2017 against

opponent society for direction to opponent to prevent from the charges of the escalation of the cost, prevent from collecting deposits on four wheeler and two wheeler vehicle and further direction to direct monthly maintenance equally from all members and not to collect interest on building repair fund. The disputant by way of present amendment application want to delete the name of previous office bearers of the society and add in the present dispute the name of current office bearers of the opponent no. 1 society. It appears that disputant have filed present dispute in the year 2017 and the issue raised by the disputant in the present dispute was during the tenure of the previous committee and current office bearer are not conversant with the same. Moreover, it is seen that disputant has made society as a party in the present dispute. Therefore current office bearer of the society has to follow and pursue the present proceeding. There is no need to add the current office bearers of the society in the present dispute. Hence considering above discussion, in the interest of justice and to decide the case on merits I answer point no. 1 in the negative and in answer to point no. 2 I pass the following order.

Order

1. Application at Exh. 21 is rejected.
2. No order as to cost.

Place : Thane
Date : 29 / 04 / 2023

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