

MHCO120000122021



IN THE COURT OF HON'BLE JUDGE CO-OPERATIVE
COURT NO.2 PUNE, AT. PUNE

Dispute No.07/2021

Mr. Sadanand Pandurang Vajre

----- Disputant

V/s.

Bizziland Co-operative Housing Society Ltd.

----- Opponent

ORDER BELOW EXH.43

(Dictated and pronounced on 07/12/2023)

1] This is an application filed by the disputant for directions against the opponent society for production of documents i.e. certified copy of resolution dated 21,28/08/2014 of A. G. M. On the grounds more specifically mentioned in the application. Mainly on the ground that, the resolution dated 21/28/08/2014 passed in the General Body Meeting of the opponent society is in respect of the subject matter of this dispute. This resolution is in the possession of opponent society and the copy of this resolution is necessary for deciding the real controversy between the parties.

2] This application is objected by the opponent society on the grounds more specifically mentioned in its reply which is at Exh-44. Mainly on the ground that, the disputant has not pleaded anything about the General Body Meeting dated 21/08/2014 in his dispute application. After filing of this dispute the opponent society has gone through the old resolutions of which disputant is demanding the copies at that time it is learn that, particular resolution which the disputant is relying upon and is demanding a copy, is tampered and forged and there is unauthorized insertion of some of the lines in the said resolution in respect of disputed

open space. This insertion in the resolution can clearly be seen by comparing the hand writing of these lines and the hand writing of other part of this resolution. In the meeting dated 21/08/2014 no such point was discussed. The minutes and resolution is forged and the police complaint to that effect is filed by the opponent society on 31/10/2023. By this application disputant is trying to bring on record a forged and fabricated evidence which is not permissible.

3] Heard Ld. Adv. Shri. J. V. Khurjekar for disputant and Ld. Adv. Shri. Mihir Raje for opponent society at length.

4] This application is filed by the disputant under Order 11 Rule 14 of C.P.C. After filing of this application along with list Exh-46 Sr. No. 3 the opponent society has filed on record the copy of resolution passed in Annual General Body Meeting dated 21/08/2014.

5] It is the allegation of opponent society that, in the resolution passed under subject No.7 the last four lines were unauthorizedly inserted by unknown person or by disputant in respect of disputed open space.

6] The document i.e. copy of minutes of A. G. M. dated 21/08/2014 is filed on record by the opponent society along with list Exh-46 and the opponent society has taken certain defences and allegations in respect of minute of A. G. M. dated 21/08/2014.

7] Order 11 Rule 7 of the C.P.C can be divided in two parts, one is direction to produce document on record and second part is dealing with that document by the court after production of that document on record.

8] Considering the fact that, the copy of minutes of A. G. M. dated 21/08/2014 is filed on record along with list Exh-46. Therefore, nothing remains to be directed against the opponent society as prayed in this application. Accordingly, I proceed to pass following order.

ORDER

1] As the copy of minutes of A. G. M. dated 21/08/2014 is filed on record along with list Exh-46 Sr. No.3 by the opponent society. Therefore, no directions are necessary for production of documents.

2] At the time of dealing with document filed along with list Exh-46 Sr.No.3 i.e. copy of minutes of A. G. M. dated 21/08/2014, the objections and allegations of opponent society in respect of this document will be considered by this court.

3] In the above term application Exh-43 is disposed off.

4] No order as to cost.

Date:07/12/2023

Place: Pune .

(A.S.Wanve)

Judge,

Co-operative Court No.2,Pune