

MO120000342025



**IN THE COURT OF JUDGE, CO-OPERATIVE COURT NO.
I, PUNE.**

(Presided over by Smt. Anju Jadhav, Judge)

Dispute no.29/2025

Mr. Sandip Maitra and one.

...Disputants

V/s

Flora City Co-operative Housing

Society Ltd., and other.

...Opponents

ORDER BELOW EXH. NO. 5
(On dated 24/07/2026)

1. The disputants are members of opponent No. 1 Co-operative Housing Society and owners of Flat Nos. M-303 and D-2 respectively. They contend that the present Managing Committee has been functioning arbitrarily and in violation of the provisions of the Maharashtra Co-operative societies Act, the Rules, and the Bye-laws. According to them, they have raised objections and filed

complaints before the Assistant Registrar regarding various alleged irregularities committed by the Managing Committee.

2. The disputants further submit that, due to the complaints made by them against the office bearers, the society included agenda Item No. 15 in the notice dated 14/09/2024 for the Annual General Meeting held on 29/09/2024 proposing cancellation of their membership under Section 35 of the Maharashtra Co-operative Societies Act, 1960. They contend that despite their objections, resolution No. 15 was illegally passed and the minutes of the meeting were manipulated to show that the resolution was unanimously approved. The disputants have, therefore, filed the present dispute challenging the legality of the said agenda and resolution No. 15 and have sought an interim injunction restraining the opponents from implementing the said resolution or taking any further steps for their expulsion from the membership of the Society pending disposal of the dispute.

3. Opponent No. 1 society served summons but remained absent. Hence, application proceeded without say of the opponent No. 1 and to that effect order has been passed below Exh. 1.

4. Opponent Nos. 2 to 4 served summons but they remained absent. Hence, application proceeded ex parte and to that effect order passed below Exh. 1.

5. Heard Ld. Adv. Shri. Abhay Ajnadkar for disputant. Opponent Nos. 1 remained absent for argument.

6. Perused record and proceeding, on-going through the contentions and submissions of disputant following points arise for my determination and I record its findings thereon with reasons as under: -

POINTS

FINDINGS

- | | |
|---|------------------------------|
| 1. Whether the applicant proves
prima-facie case in his favour | : affirmative |
| Whether applicant proves balance of
convenience in his favour? | : affirmative |
| 2. Whether applicant will suffer irreparable
loss, if stay is not granted? | : Partly affirmative |
| 3. What order? | : Application is
allowed. |

REASONS

AS TO POINT NOS. 1 to 4 :

7. Since point Nos. 1 to 4 are interconnected and arise out of the same set of facts and common questions of law, they are taken up together for consideration for the

sake of convenience and to avoid repetition of discussion.

8. Perused the application for temporary injunction, the pleadings of the parties, and the documents placed on record.

9. The disputants have instituted the present dispute challenging resolution No. 15 allegedly passed in the Annual General Body Meeting of opponent No. 1 society held on 29/09/2024, whereby the society resolved to initiate proceedings for cancellation/expulsion of the disputants from its membership under Section 35 of the Maharashtra Co-operative Societies Act, 1960. Pending final adjudication of the dispute, the disputants have sought a temporary injunction restraining the opponents from acting upon, implementing, or giving effect to the said resolution.

10. It is the case of the disputants that they are bona fide members of opponent No. 1 society and have consistently raised objections regarding the functioning of the Managing Committee before the competent authorities. According to them, owing to such objections and complaints, the Managing Committee developed personal animosity against them and, with an ulterior motive, included the proposal relating to cancellation of

their membership in the agenda of the Annual General Body Meeting. It is further contended that the impugned resolution has been passed in contravention of the provisions of Section 35 of the Maharashtra Co-operative Societies Act, 1960 and the relevant Bye-laws of the Society, and that the allegations contained therein do not constitute valid grounds for expulsion of a member. The disputants have also alleged manipulation of the minutes of the meeting and disputed the correctness of the proceedings recorded by the society.

11. At this interlocutory stage, this Court is not expected to record any conclusive finding regarding the legality or validity of the impugned resolution. Such questions require appreciation of oral and documentary evidence and can only be determined at the stage of final adjudication. The scope of the present application is confined to examining whether the disputants have established a prima facie case, whether the balance of convenience lies in their favour, and whether refusal of interim relief would result in irreparable loss or injury.

12. The material placed on record prima facie discloses that resolution No. 15 specifically pertains to initiation of proceedings for expulsion of the disputants from the membership of the society. Whether the said resolution

has been validly passed in accordance with Section 35 of the Maharashtra Co-operative Societies Act, 1960, the applicable Rules, and the Bye-laws of the society, and whether the principles of natural justice have been duly complied with, are matters which can be determined only after the parties lead evidence. Consequently, the disputants have established a prima facie case warranting interim protection for preservation of the subject matter of the dispute.

13. If the opponents are permitted to proceed further on the basis of the impugned resolution during the pendency of the dispute and the process of expulsion is completed, the very subject matter of the dispute would become infructuous. On the other hand, restraining the opponents merely from implementing the impugned resolution would not prejudice the normal administration or day-to-day functioning of the Society in accordance with law. Therefore, the balance of convenience is in favour of granting interim protection.

14. Expulsion from the membership of a co-operative society entails serious civil consequences affecting the valuable statutory and proprietary rights of a member. Such injury cannot be adequately compensated by an award of damages. Therefore, if interim protection is

refused and the impugned resolution is implemented before final adjudication, the disputants are likely to suffer irreparable loss and injury.

15. At the same time, this Court is conscious that an order of injunction should not unnecessarily impede the statutory functioning of a co-operative society. Accordingly, the interim relief deserves to be confined only to restraining the implementation and execution of resolution No. 15 dated 29/09/2024. Subject thereto, opponent No. 1 Society shall remain at liberty to carry on its day-to-day administration and other lawful activities in accordance with law.

16. In view of the foregoing discussion, point Nos. 1 to 3 are answered in the affirmative. Consequently, the following order is passed:

ORDER

1. The application for temporary injunction is hereby allowed.
2. Pending final disposal of the dispute, opponent No. 1 society, its office bearers, servants, agents, and all persons claiming through or under it are hereby restrained from implementing, executing, or giving effect to resolution No. 15 passed in the Annual General Body Meeting dated 29/09/2024, relating

to the proposed cancellation/expulsion of the membership of the disputants.

3. The opponents are further restrained from initiating, continuing, or taking any consequential action pursuant to the aforesaid resolution No. 15 during the pendency of the present dispute.
4. No order as to costs.

(Smt. Anju Jadhav)

Date: 24/07/2026

Judge,

Place: Pune

Co-operative Court no. I, Pune.