

**IN THE COURT OF JUDGE, CO-OPERATIVE COURT NO 1, PUNE.
(Presided over by Smt. A. V. Jadhav-Judge)**

DISPUTE NO. 41/2024

Mr. Sabu George John & Others

:- Disputants

V/s.

**Ganga Mansion Co-operative Housing Society Ltd.
& Others**

:- Opponents

ORDER AT EXH.11,12

- 1) Opponent no.2 has filed the application at Exh.11 for deleting her name from dispute on the ground that her role was limited to preside the meeting.
- 2) Opponent no.2 has also filed application at Exh.12 for granting her exemption from the dispute on the ground that she has been made party to the present dispute as because she was presiding of SGM on dated 17.12.2023 & announced the result of consent voting captured on that day. Her role was limited to receive consent from signed by the members & count the votes & announced the result.
- 3) It is contended that she has completed her job. She was later on informed that few members have not submitted the forms & give the same after meeting was over during process of reconciliation.

4) Disputant filed reply at Exh.17 & submitted that none of the contention of the application are legal, true & correct. It is not criminal case of exemption. There is no any provision in the M.C.S. Act 1960 for exemption of apperance in the dispute. Hence the application cannot be entertained.

5) There are various illegalities are committed by the opponents in the bogus metting. There is a specific allegation in the dispute application against the opponent no.2. Opponent no.2 herself admitted in the application that she was presiding officer in the metting. Therefore disputant prayed that the application may be dismissed with cost.

6) Heard Ld. Advocate Shri. Daulat Hinge for disputant and opponent no.2 for herself.

REASONS

7) Disputant has filed the present dispute for declaration & injunction & in para no.10 of dispute, there are allegations of disputants against the opponent no.2 that the presiding officer of the SGM that is opponent no.2 declared the vote count as 40 votes in favour of redevelopment & 4 votes against redevelopment. This fact has been captured in a video-recording made on the mobile phone of the disputant no.2. The video is being produced along with the present application contained in a separte list of documents.

8) The disputants state that they shocked and surprised, when the minutes of the SGM dated 17.12.2023 were circulated on 28.12.2023, the number of votes were as 43 votes in favour of redevelopment and 7 votes against redevelopment. This was different than what was declared in the

meeting by the presiding officer. Thus, the disputants state that there has been a manipulation of the vote counts and, on this ground, the SGM dated 17.12.2023 and the resolutions passed therein deserve to be declared invalid and set aside.

9) It appears from the pleading of the dispute that there are the allegations of the disputants against opponent no.2 & therefore name of the opponent no.2 cannot be deleted from the dispute.

10) There is no any provision in the M.C.S. Act to exempt from appearance of the court. Opponent no.2 has not given the strong & reasonable reason as to why she has to exempt from appearance of the court. Hence permission cannot be granted to opponent no.2 to exempt her appearance in the present dispute. Considering the above reasons. I pass the following order.

Order

- 1) The applications at Exh.11,12 are rejected.
- 2) Parties to bear their own cost.

Date: 29/08/2024
Pune

(Smt. A.V. Jadhav)
Judge,
Co-operative Court no.1, Pune.

