

MHCO120000452023



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

Dispute No.38/2023

Dr. Mukund Daji Shashtri

----- Disputant

V/s.

Kumar Presidency Co-operative Housing

Society Ltd., & Others.

----- Opponents

ORDER BELOW EXH.34

(Dictated and pronounced on 22/04/2024)

1] This is an application filed by the disputant for directions against the opponent society to remove the railing and debris from the parking space of the disputant. On the grounds more specifically mentioned in the application Exh-34. Mainly on the ground that, by filing this dispute disputant had challenged the resolution passed in Special General Body Meeting dated 04/02/2023 by which the opponent society has framed and passed new parking policy. The disputant has filed application for temporary injunction at Exh-5 in this dispute which was partly allowed by this court.

2] Opponent society has kept railing and debris in the parking space of the disputant. This court on previous occasion orally directed to the opponent society to remove the said railings and debris from the parking space of the disputant in spite of this opponent society has not removed it. Therefore, it is necessary to pass written order against the society.

3] This application is objected by the opponent society on the grounds more specifically mentioned in its reply. Mainly on the ground that, the opponent society has removed the railings from the parking space of the

disputant and since from last 2 months the parking space of the disputant is cleared and disputant using it.

4] Heard Ld. Adv. Shri. Z. A. Pathan for the disputant at length.

5] Heard Ld. Adv. Smt. A. N. Khan for the opponent society at length.

6] Ld. Adv. For the opponent society submitted that, the railings from the parking space of the disputant is already removed, there is no any debris in the parking space of the disputant and disputant is using the parking space. Hence, this application becomes infructuous.

7] Ld. Adv. For the disputant submitted that, during the pendency of this application the railings and debris is removed by the opponent society from the parking space of the disputant.

8] In view of submissions of Ld. Adv. For the disputant and opponent it is clear that, at present there is no railings and debris in the parking space of the disputant. Hence, this application becomes infructuous and is disposed off by following order.

ORDER

1] Application Exh-34 is disposed off as becomes infructuous.

2] No order as to cost.

Date:22/04/2024

Place: Pune .

(A.S.Wanve)

Judge,

Co-operative Court No.2,Pune