

MHCO120000692024



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

Dispute No.66/2024

Smt. Anjali Katke

-----Disputant

V/s.

Sopan Nagari Co-operative Housing Society

Ltd. & Others

----- Opponents

ORDER BELOW EXH. 42

(Dictated and Pronounced on 08/10/2024)

1] This is an application filed by the disputant for directions against the opponent society for production of original registers / proceeding books on the ground that, the disputant has issued notice to the opponent for production of original documents for inspection on 28/06/2024. Said notice was received by the opponent society. The original documents are necessary to be on record for adjudication of this dispute.

2] Opponent society has filed reply at Exh-45 and objected this application, on the ground that, this dispute is posted for argument on temporary injunction application Exh-5. At this stage the original documents are not necessary and interim injunction application can be decided on the basis of prima facie evidence and documents and it is not necessary that, the original documents should be on record. The disputant has not mention any valid reason to necessitate the production of original documents at this interim stage.

3] Order 13 Rule 1 of the C.P.C. allows production of documents at the time of hearing or before the settlement of issues. The request of the disputant for production of original registers / proceeding book of the

society is unnecessary as these registers are open for inspection to all members, upon making requisite application in accordance with law. The register and proceeding book are necessary to be in possession of society for its day to day business. On these and other grounds opponents prays to reject the application.

4] Heard Ld. Adv. For disputant and Ld.Adv. For opponent society at length.

5] Disputant has filed on record the copy of notice issued by her to the opponent society dated 28/06/2024 for production of original proceeding books in this court. From perusal of the contents of application Exh-42, it is seen that, there is no any specific reason is mention as to why original documents are necessary at this interim stage. Also there are no any allegations that, opponent society is not supplying the copies of the documents or there is no any allegation about any mismatch of copy and original.

6] It is fact that, this dispute is at interim stage and the parties to the dispute has already filed on record the copies of voluminous documents and the interim application is necessary to be decided on the basis of prima facie evidence and affidavits and therefore, at this interim stage the original documents are not necessary. The documents which are called by the disputant are the proceeding books of Special General Body Meetings of the society and these proceeding books are used by the opponent society to record minutes of its meeting and if such original proceeding books are called in the court then the day to day functioning of the opponent society will affect and also in view of Sec.32 of the M.C.S.Act,1960 the disputant has right to inspect the original record and also right to obtain certified copy of the record and as per Sec.40 of the M.C.S.Act,1960 the certified copies issued by the co-operative society are admissible in evidence. Hence, application Exh-42 has no any merit and liable to be rejected. Accordingly, I proceed to pass following order.

ORDER

- 1] Application Exh-42 is rejected.
- 2] No order as to cost.

Date:08/10/2024

Place: Pune

(A.S.Wanve)
Judge,
Co-operative Court No.2,Pune