

MHCO120000892024



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

Dispute No.83/2024

Shri. Shaikh Abdul Rehman Umar

----- Disputant

V/s.

Kausar Baugh Co-operative Housing

Society Ltd., & Others

-----Opponents

ORDER BELOW EXH.05 & 17

(Dictated and Pronounced on 27/06/2024)

1] Exh-5 is the application filed by the disputant for temporary injunction to stay the execution and implementation of the resolution of the No Confidence Motion against the disputant passed in Special Meeting of managing committee held on 28/05/2024. Mainly on the ground that, disputant is chairman of opponent society, while issuing the notice for no confidence motion and meeting dated 28/05/2024. The provisions of Sec.73-ID of the M. C. S. Act, 1960 and Rule 57A of the M. C. S. Rules, 1961 is not followed. The notice is not properly served on the disputant.

2] By filing of application Exh-17, disputant submitted that, the opponent society has called the meeting of managing committee on 27/06/2024 for election of office bearers including chairman of the opponent society and prays to stay meeting, which is to be held on dated 27/06/2024.

3] Opponent No.1 society filed reply at Exh-18 to the injunction application filed by the disputant at Exh-17, and objected the claim of disputant. Mainly on the ground that, at present there is no elected

chairman and secretary for the opponent society therefore, the working of the society is stand still and the notice for election of chairman and secretary is issued on 19/06/2024 and meeting is schedule on 27/06/2024. This meeting is for the election of office bearers and called as per election rules. Hence, the election process is started and it cannot be stayed.

4] Heard Ld. Adv. Shri. Daulat Hinge for the disputant and Ld. Adv. Shri. Daundkar for opponents at length.

5] After hearing the part arguments of the Ld. Adv. For the disputant, the disputant and opponent and their advocate, mutually agreed to dispose of the application Exh-5 & Exh-17 and allow to conduct the meeting for election dated 27/06/2024 as scheduled. On condition that, the meeting dated 27/06/2024 and the resolutions passed therein shall be subject to final outcome of this dispute.

6] The joint pursis to that effect is filed at Exh-28 by the disputant and opponents.

7] In view of this I proceed to pass following order.

ORDER

1] Application Exh-5 & Exh-17 is disposed off.

2] The meeting for election of the office bearers of opponent society dated 27/06/2024 and resolutions if any passed therein shall be subject to final outcome of this dispute.

3] The hearing of this dispute is expedited and parties are directed to co-operate for expedite of this dispute.

4] No order as to cost.

Date:27/06/2024
Place: Pune

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