

**IN THE COURT OF JUDGE, CO-OPERATIVE COURT NO. 1
AT PUNE**

DISPUTE NO. 78/2018

Dt. 20/04/2022

Shri. Shivaji Malleshappa Chillal

.... Disputant

VERSUS

**Shree Jiveshwar Sahakari Griharachana
Sanstha Maryadit, Pune.**

.... Opponent

Adv. Jagdale B.A. for Disputant

Adv. Inamdar A.Y. for Opponent.

Proposed Opponent - in person.

: ORDER ON APPLICATION AT EXH. 19 :

1) Heard advocate for disputant and Opponent Society. The proposed Opponent remained absent and failed to argue.

2) In this application the disputant asked for permission to add/include the then office bearer namely Shri. Balkrushna Shivaji Rokade as a party

Opponent for the reasons more particularly mentioned in the application. The Opponent Society called upon to record its Say and show cause notice of this application issued to the proposed Opponent. The Opponent Society recorded its Say at Exh.22. The proposed Opponent appeared in person and filed his Say at Exh. 26. The Opponent Society and proposed Opponent denied this application, contents and allegations made therein and resisted to allow the prayer made therein. Thus, the point for consideration arose that:

**Whether the proposed Opponent
requires & allowed to be added as
party Opponent to the dispute ?**

The answer is ‘No’ for the following reasons :

: REASONS :

2) Before dealing with the application and prayer made therein, it is necessary to mention here that the Opponent Society filed its Written Statement and Say at Exh. 15, thereafter issues came to be framed at Exh. 17 on 28/01/2019 and dispute adjourn for evidence of disputant. Thereafter, the disputant

submitted list of witnesses at Exh. 18 to be examined by him wherein the name of proposed Opponent appears at Sr. No.4 and he expected to be examined as the then Chairman of Opponent Society. This fact needs to be considered here because after above said list of witnesses present application came to be filed.

3) Any how the fact remains that the proposed Opponent might be, at relevant time in the office of Chairman of Opponent Society and alleged to have committed certain misdeeds prejudice to the interest of Opponent Society and its members at large; but that doesn't mean he allowed to be added and/or included as party Opponent to bring on record the facts and information which the disputant intended. The mismanagement, all the illegalities and misdeeds allege to have been committed by the then office bearers of Opponent Society is one of the ground mentioned in the dispute because of which the disputant claim to have not allotted with a plot; so it doesn't mean the then Chairman of Opponent Society requires to be added as party Opponent to the dispute expecting that

he would bring all the facts on record. The Opponent Society is the proper party to the dispute and the Society alone would give the plot if the disputant succeeds in the dispute. The disputant may examine the then Chairman to prove his case and the reliefs prayed for. In the circumstances, the proposed Opponent held to be not proper and necessary party to the dispute and this application deserves to be rejected. So following order.

: **ORDER** :

- Application rejected.
- No order as to cost.

Date : 20/04/2022

Pune

Judge
Co-Operative Court No. 1
Pune.