**MHCO120001482024**

**Filed on : 03/10/2024**

**Decided on : 12/08/2026**

**Duration : Y M D**

**01 10 09**

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

**Dispute no. 142/2024**

**Shree Jay Balaji Nagari Sahakari**
**Patsanstha Maryadit,**
(Register No. P.N.A./(P.N.A.)4R.S.R./(C.R.)/
2336/2002)
A body Corporate duly registered under the
Maharashtra Co-operative Societies Act, 1960,
Having its registered Office at-
Survey No. 51, Maharana Pratap Chowk,
Bhairavanagar, Dhanori, Pune-411015.
Through its Chirman,
**Mr. Sunil Govind More,**
Age-59 years, Occu.- Business,
R/at- Survey No. 55/3, Road No. 12,
Near Datta Mandir, Bhairavanagar,

Dhanori, Pune-411015.

**--- Disputant**

**VERSUS**

1. **Qadimuddin Aminuddin Shaikh**
   Age- 38 years, Occu.- Business,
   R/at-Survey No. 54, Shivnernagar,
   Near Apna Hair Cutting Saloon,
   Kondhwa Kh., Pune-411048.
   And
   Also R/at- Survey No. 296/3/2, Porwal Road,
   Near Prathmesh Heights, Lohegaon, Pune-411047.
2. **Riyaj Ahmed Akil Ahmed**
   Age- 32 years, Occu.- Business,
   R/at- Survey No. 191, Near Abhijit Hotel,
   Nagpurchawal, Yerwada, Pune-411006.
   And
   Also R/at- Survey No. 50/2, Bhagyodya Nagar,
   Flat No. 48, Shankar Rukmini Apartment,
   Near Sanmitra Bank, Kondhawa Kh.,
   Pune- 411048.

**--- Opponents**

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Ld. Adv. Shri. Inamdar Jameer, for the disputant.

opponent nos. 1 to 2 :- Expartee

## JUDGEMENT

**(Delivered on 12/08/2026)**

1. The Disputant has filed the present dispute under Section 91 of the Maharashtra Co-operative Societies Act, 1960 for recovery of loan dues from opponent nos. 1 and 2. It is the case of the disputant that opponent no. 1, being a member of the disputant patsanstha, obtained a loan of Rs.1,00,000/- for his Hair Cutting Saloon business and opponent no. 2 stood as guarantor for the said loan transaction.

2. The record reveals that opponent no. 1 executed the loan application, agreement and other necessary documents in favour of the disputant. Opponent no. 2 executed an affidavit of guarantee dated 26/09/2019 undertaking joint and several liability for repayment of the loan amount. Considering the proposal and guarantee furnished by the opponents, the disputant sanctioned a loan of Rs.1,00,000/- by resolution no. 4 passed in the Managing Committee Meeting dated 01/10/2019.

3. The evidence on record further shows that the loan amount was disbursed to opponent no. 1 on 15/10/2019 through his Savings Account no. 705. The disputant has produced on record the loan application,

agreement, affidavit of guarantor, statement of account and copies of demand notices. The statement of account maintained by the disputant.

4. The disputant issued demand notices dated 29/10/2022, 17/11/2022, 08/04/2023 and 02/08/2024 calling upon the opponents to clear the outstanding dues. Despite repeated demands and opportunities, the opponents failed to repay the loan amount or regularize the loan account.

5. Disputant sought and amount of Rs.1,27,609/- jointly and severally from the opponents along with future interest at the rate 18% p.a. from the filing of the present dispute till entire realization

6. Opponent served summons but they remained absent and therefore dispute proceeded expartee against them.

7. In view of the pleadings of the dispute, the following issues and my findings to them supported with the reasons are as follows :-

| **ISSUES** | **FINDINGS** |
|---|---|
| 1) Does the disputant prove that, the opponent nos.1 and 2 jointly & severally liable to pay an amount of | |

Rs.1,27,609/- with interest @ 18%
per annum from the date of 03/10/2024
till complete realization of the amount? : Partly Affirmative

2) What order and award ? : As per final order.

8. In support of the claim, disputant bank has filed evidence affidavit of its witness namely Mr. Sunil Govind More at Exh. 22.

9. Following documents are filed by the disputant along with list of documents at Exh.24, which are as under :-

| **Sr. No** | **Document** | **Date** | **Exh.Nos.** |
|---|---|---|---|
| 1 | Resolution for filing of suit against the opponent | 13/07/2024 | Exh. D-1 |
| 2 | Loan demand application of opponent no. 1. | | Exh.D-2 |
| 3 | Loan application of opponent no. 1 | 05/10/2019 | Exh.D-3 |
| 4 | Kararnama executed by opponent nos. 1 and 2. | 26/09/2019 | Exh.D-4 |
| 5 | Affidavit of opponent no. 2. | 26/09/2019 | Exh.D-5 |
| 6 | Demand notice sent by disputant to opponent no. 1 | 29/10/2022 | Exh. D-6 |
| 7 | Returned Envelop of demand notice sent to the opponent | 29/10/2022 | Exh.D-7 |

| | | | |
|---|---|---|---|
| | no. 1. | | |
| 8 | Demand notice sent by disputant to opponent no. 2. | 17/11/2022 | Exh.D-8 |
| 9 | Demand notice sent by disputant to opponent no. 2. | 08/04/2023 | Exh.D-9 |
| 10 | Demand notice sent by disputant to opponent no. 2. | 04/08/2023 | Exh.D-10 |
| 11 | Demand notice alongwith postal dispatch slip sent by disputant to opponent no. 1. | 02/08/2023 | Exh.D-11 |
| 12 | Returned envelop of demand notice sent to the opponent no. 1. | 02/08/2024 | Exh.D-12 |
| 13 | Demand notice alongwith postal dispatch slip sent by disputant to opponent no. 2. | 02/08/2024 | Exh.D-13 |
| 14 | Returned envelope of demand notice sent to the opponent no. 2. | 02/08/2024 | Exh.D-14 |
| 15 | Statement of loan account of opponent no. 1. | | Exh.D-15 |

## REASONS

**AS TO POINT NO.1** :

10. The disputant bank has examined D.W.1 Mr. Sunil Govind More at Exh. 22, who is the authorized person of the disputant society. His evidence is as per the averments of the dispute petition.

11. The copies of loan documents are produced alongwith list of documents at Exh. 24. The copies of the loan documents are at Exh. D-1 to D-5. All the above documents are verified from original. The said documents show that on the request of Qadimuddin Aminuddin Shaikh, the disputant society sanctioned and disbursed loan of Rs.1,00,000/- to him and opponent nos. 2 stood as guarantor for the said loan.

12. It also reveals that the opponents agreed to repay the loan amount with interest @ 18% per annum. The agreement (Exh. D-4) bears signature of opponent nos. 1 and 2. The account extract is produced at Exh. D-15, which shows outstanding principle loan amount of Rs.70,021/- and interest Rs.10,082/- as on 01/12/2020. The total outstanding against opponents is an amount of Rs.80,103/-. Disputant society further sought expenses and notice charges of Rs.1,000/- from the opponents. The notice and acknowledgements have been filed on record by the disputant society and therefore society is entitled to recover the expenses and notice charges from the opponents.

13. The evidence of D.W.1 Mr. Sunil Govind More is corroborated by the documentary evidence. Further, the evidence of D.W.1 Mr. Sunil Govind More unchallenged

on record. I find no reason to disbelieve the un-controversial oral and documentary evidence adduced by the disputant society.

14. Accordingly, I hold that the opponent nos.1 and 2 are jointly and severally liable to pay the principal outstanding loan amount of Rs.70,021/- and interest Rs. 10,082/- total amount of Rs.80,103/- @ 18% p. a. to the disputant society from 01/01/2021 till the realization of loan amount. Hence, I answer issue no. 1 in partly affirmative.

**<u>AS TO POINT NO. 2</u>** :

15. The disputant society has proved its claim therefore; the dispute deserves to be allowed with costs. In the result, in answer to point no. 2, I proceed to pass the following order.

**<u>ORDER</u>**

1) The dispute is partly allowed.
2) The opponent nos. 1 and 2 jointly and severally do pay to the disputant society an amount of Rs.80,103/- with interest @ 18 % p. a. from 01/01/2020 till realization of entire amount.

3) The opponent nos. 1 and 2 do pay costs of the dispute to the disputant society.

4) Award is drawn up accordingly.

(Dictated and pronounced in open Court)

ANJU VIJAYKUMAR JADHAV

Digitally signed by ANJU VIJAYKUMAR JADHAV
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**Place: Pune** **[Smt. Anju Jadhav]**

**Dated: 12/08/2026** **Judge,**

**Co - operative Court no. 1, Pune.**