

MHC0120001572025



**THE HON'BLE JUDGE, CO-OPERATIVE COURT NO.
2 PUNE.**

(PRESIDED OVER BY Smt. V. A. MAKANDAR)

Dispute No:- 116/2025

Shri. Shrikant Dnyanoba Jawalkar

..... Disputant

V/s

Shri. Kalbhairavnath Gramin

Bigar Sheti Sahakari Pat Sanstha Ltd.

And Others.

.....Opponents

ORDER AT EXH. 5

(Passed on 10/02/2026)

1. By way of the present application, the Disputant seeks to set aside the Resolution dated 22/02/2025 passed by the Opponent Society and its Board of Directors. The Disputant prays for a declaration that he continues to be the lawful Director of the Opponent Society and seeks an injunction restraining the Opponents from filling the alleged vacant post of Director pending final disposal of the proceedings.

2. The Id. Advocate for the Disputant submitted that, he was elected unopposed as Director in the year 2023 and has continuously worked for the benefit and development of the Society. He objected to several allegedly illegal loan approvals and

audit irregularities and brought the same to the notice of the Deputy Registrar, Cooperative Society. Due to his opposition to such practices, he was subjected to mental harassment and pressure by the Chairman and other Directors.

3. He further submits that, initially he submitted a resignation on 16/12/2024, which was orally stated to be not accepted. Thereafter, on 30/12/2024, he was allegedly forced and threatened to submit a second resignation in a dictated format, failing which he was threatened with dire consequences. Under such mental pressure, he submitted the second resignation dated 30/12/2024.

4. It is further stated that, he withdrew the second resignation in writing on 04/01/2025 prior to its acceptance; however, despite such withdrawal and his written objection during the Board meeting dated 22/02/2025, the Opponent Society illegally accepted the resignation dated 30/12/2024 and communicated the same by letter dated 01/03/2025. According to the Disputant, such acceptance is illegal, arbitrary, and violative of principles of natural justice.

5. The ld. advocate for the opponent filed his say at exhibit and strongly opposed the application. It is submitted that, the Disputant held the post of Director from 07/06/2023 to 22/02/2025 and during his tenure failed to actively participate in the affairs of the institution. It is contended that, he continuously opposed decisions of the managing committee, caused obstruction in the day-to-day functioning of the Society, behaved irresponsibly, and did not contribute constructively to the development of the institution.

6. The Opponent has denied all allegations regarding illegal loan approvals, audit irregularities, and acts prejudicial to the Society. It is submitted that, the institution is audited regularly, has consistently obtained A or A- audit grades, maintains proper records, distributes annual reports and financial statements to members, and has successfully functioned for more than 23 years without serious objection from regulatory authorities.

7. The Opponent further submits that, the Disputant voluntarily submitted two resignation letters dated 16/12/2024 and 30/12/2024, both duly signed. It is further submitted that, although the Disputant claims withdrawal of the second resignation, he subsequently insisted upon acceptance of the earlier resignation dated 16/12/2024, thereby demonstrating inconsistency in his stand. The Opponent also points out that, the Disputant deposited Rs. 50,000/- as Director's security deposit and later withdrew the same after communication of acceptance of resignation, which shows his knowledge and acquiescence in the resignation process.

8. Heard the learned Advocate for the disputant and the learned Advocate for the opponent. The following points arise for my determination.

Sr. No.	Point	Findings
1.	Whether a prima facie case in favour of the Disputant?	In the Negative
2.	Whether the balance of convenience in favour of the Disputant?	In the Negative
3.	Whether the Disputant will suffer from	In the

	irreparable loss if, injunction as prayed for is not granted?	Negative
4.	What order?	As per the final order.

9. Perused the pleadings, documents on record, resignation letters dated 16/12/2024 and 30/12/2024, withdrawal letter dated 04/01/2025, Board Resolution dated 22/02/2025, and subsequent communications to the Cooperative Department.

10. It is an admitted position that, the Disputant submitted two resignation letters, both duly signed those are at Exh.16. The resignation dated 30/12/2024 was accepted by the Board by Resolution dated 22/02/2025. The allegation of coercion and threats made by the disputant is not supported by any immediate contemporaneous complaint, documentary evidence or independent material. The pleadings in that regard are general in nature.

11. Further, the conduct of the Disputant in subsequently insisting upon acceptance of the earlier resignation and withdrawing the security deposit of Rs. 50,000/- ultimately weakens his claim of coercion and involuntariness. The record does not prima facie indicate any procedural illegality in the acceptance of resignation by the Board of Directors.

Prima Facie Case

12. To grant interim relief, the Disputant must establish a prima facie case showing illegality or violation of statutory provisions. In the present case, the material on record indicates

that the Disputant voluntarily tendered resignations on two occasions. Both letters bear his signature and were communicated to the Society. Though the Disputant claims that the second resignation was withdrawn prior to acceptance, the surrounding circumstances, like subsequent withdrawal of the security deposit, create doubt about the genuineness of the allegations of coercion.

13. No prima facie material of force, fraud or statutory violation is placed before this Court. The acceptance of resignation by the Board is prima facie appears to be within its powers under the Constitution of the Society and applicable provisions of the Cooperative Societies Act. Accordingly, the Disputant has failed to establish a prima facie case in his favour.

Balance of Convenience

14. The balance of convenience must favour the Disputant to justify restraining the functioning of the Society. In the present case, the resignation has already been accepted and communicated. Interfering at this stage would disrupt the administration of the Society and prevent it from filling the vacant post of Director, thereby affecting functioning of the institution. On the other hand, the Disputant's alleged grievance pertains to continuation in an office from which he himself tendered resignation. No overriding statutory right is shown to be violated at this stage. Hence, the balance of convenience lies in favour of the Respondent Society.

Irreparable Loss

15. As considering his own applications of resignation on record, the Disputant fails to satisfy this court that, he would

suffer irreparable loss or injury if interim relief is refused. No permanent injury is shown that cannot be compensated or remedied through due process.

16. In view of the foregoing discussion, it is of the considered opinion that the Disputant has failed to establish (i) a prima facie case, (ii) balance of convenience in his favour, and (iii) irreparable loss.

Accordingly, following order is passed.

ORDER

1. The application stand rejected.
2. No order as to cost.

(Smt. V. A. MAKANDAR)

Date: 10/02/2026

Judge,

Place: Pune

Co-operative Court No.2, Pune