

MHCO120000262024



**THE HON'BLE JUDGE, CO-OPERATIVE COURT NO.2
PUNE
(PRESIDED OVER BY Smt. V. A. MAKANDAR)**

Dispute No.273/2025

Shri. Raju Yunus Chhagla

..... Disputant

V/s.

Devika Co-Operative Housing Society Ltd.

.... Opponents

ORDER BELOW EXH.17

(Passed on 30/04/2026)

1. The present application is filed by a third party under Order I Rule 10 of the Code of Civil Procedure seeking impleadment in the present suit.
2. It is submitted that the Disputant has filed the present suit for declaration and permanent injunction against the Opponents and the members of the Opponent Society, particularly in respect of the parking of vehicles in the driveway/common passage area. The Applicant states that though the dispute has been filed against the Society, the Disputant has in effect sought specific reliefs against the Applicant without impleading him as a party, and is attempting to obtain orders by misleading this Hon'ble Court and by suppressing material facts

3. It is further submitted that the reliefs sought are in the nature of direct injunctive and declaratory reliefs, which would adversely affect the rights and interests of the Applicant, and therefore the Applicant ought to be given an opportunity to appear, file a reply, and defend the case. The Applicant submits that no prejudice will be caused to the Disputant if the present application is allowed; on the contrary, impleadment of the Applicant would assist this Hon'ble Court in effectively adjudicating the matter and would avoid multiplicity of proceedings and unnecessary litigation.
4. The Applicant further states that he is an interested party in respect of the suit property, being a member of the Society, and that specific allegations and implied reliefs are directed against him. The Applicant submits that he wishes to bring certain important and necessary facts to the knowledge of this Hon'ble Court for proper and complete adjudication of the present dispute. It is further submitted that any order passed by this Hon'ble Court will have a direct bearing on the Applicant and his rights, and therefore, the Applicant is a necessary and proper party to the present suit and ought to be impleaded in the interest of justice.
5. The Learned Advocate on behalf of the Disputant, by filing say vide Exhibit 19, has submitted that the present dispute has been filed under Section 91 of the Maharashtra Cooperative Societies Act on account of failure of the Opponent Society to discharge its duties, particularly in preventing unauthorized parking in the common passage area of the society and in ensuring free and unobstructed ingress and egress to the Disputant's designated parking space.
6. It is submitted that the dispute is essentially between the Disputant, being a member of the society, and the Opponent Society, which is the governing body responsible for the

management and enforcement of the applicable bylaws. The Disputant further submits that no relief, either direct or indirect, has been claimed against the present Applicant in his individual capacity, and that the reliefs sought are limited to a declaration that the common passage is meant exclusively for ingress and egress and not for parking, along with injunctions directing the Opponent Society to perform its legal duty of keeping the said passage free from obstruction caused by any member.

Heard both the advocates at length. Perused record.

7. On perusal of the averments of the dispute, it appears that the present dispute is filed by the member against the society regarding the parking issue. In the present case, although the primary relief is sought against the Opponent Society, it is evident from the pleadings that the alleged acts of obstruction in the Disputant's private parking space are attributed to the present Applicant, and the present dispute would necessarily have a direct bearing on the Applicant's alleged rights.
8. Therefore, to ensure complete and effective adjudication of the dispute and to afford an opportunity of hearing to all affected parties, the presence of the Applicant is found necessary. Therefore, considering the nature of the relief sought and its impact on the Applicant's rights, it is of the opinion that the Applicant is a proper party to the present proceedings.

Hence, in view of the above discussion, the following order is Passed.

ORDER

1. The application filed by the Applicant under Order I Rule 10 of the Code of Civil Procedure is hereby allowed.
2. The Applicant is directed to be joined as a party opponent in the present suit.
3. No order as to costs

(Smt. V. A. MAKANDAR)

Date: 30/04/2026.

Judge,

Place: Pune

Co-operative Court No.2, Pune