

IN THE COURT OF JUDGE, CO-OPERATIVE COURT AT NASHIK
(Presided over by Shri.U.M. Kulkarni - Judge)

ABN No.82/2024

Exhibit No.27

CNR No.MHCO150003532021

Shri.Shivaji Popat Ghotekar

Age:58, Occ:Business

R/o.Flat No.5, Sarita apartment,

Gajjar Park, Takli Road, Dwarka, Nashik.

.....**Disputant.**

VERSUS

Shankarnagar Co-op. Housing Society Mdt.

Add:Shankarnagar, Dwarka, Nashik

Through Chairman/Secretary

And Others.

.....**Opponents.**

ORDER BELOW Exh.27

(Delivered on 17/08/2026)

1] This is an application filed by the opponent society praying for discarding/turning down the evidence adduced by disputants. It is contended by the opponent society that the present dispute has been filed by disputant on false and fabricated documents by misleading the Court. While filing evidence affidavit the disputant on dated 20/1/2025 has filed acknowledgments in respect of resignations given by Shri.Arvind Madhukar Bhalerao and Shri.Tushar Shivaji Ghotekar. Said acknowledgments bears the stamp and signature. The office bearers of the opponent society on going through the said documents found that the acknowledgments of the resignations bears signatures of the then Secretary Shri.Arun Vishwanath Nagpure and those acknowledgments are of dated 13/6/2022. It is submitted that after election of the opponent society in the year 2022, on 8/6/2022 the meeting of new elected directors was called and in that meeting the 7 elected directors were present and in the said meeting apart from other office bearers, Shri.Ambadas

Karbhari Aher was elected as Secretary. That means after 8/6/2022 though Shri.Arun V. Nagpure was not holding any posts in the opponent society, accepted the resignation letters of Shri.Arvind Madhukar Bhalerao and Shri.Tushar Shivaji Ghotekar and issued acknowledgments thereof though he had no right to do so. It is further submitted that in the Board of Directors meeting dated 19/6/2022 Shri.Tushar Shivaji Ghotekar, son of disputant, was present. It is submitted that the stamp on the acknowledgments of the resignations produced by the disputant is not of the opponent society and the same has been fabricated by the disputant. The disputant has tried to show the said documents as genuine and thus misled the Court and tried to commit the contempt. It is submitted that the disputant has filed false affidavit and also produced fabricated documents and therefore, it is necessary to turn down the said evidence and also to take legal action against him. Accordingly, with these contentions the opponent society has lastly prayed for allowing the application and discarding the evidence of disputant and taking legal action against him.

2] On this application, the disputant has filed his say at Exh.29. He has denied the allegations in the application. The disputant has contended that since the Board of Directors of the opponent society were in minority because of resignations given by its two directors an administrator has been appointed on the said society. Since cognizance of resignations given by two directors was taken, administrator has been appointed on the said society. Therefore, the allegations made by the opponent society are false and misleading. The opponent society has no right to file such application and hence, the disputant has prayed for rejecting the same with cost.

3] Heard Ld. advocate Shri.M.P.Kasar Patil for the disputant and Ld.Advocate Shri.R.V.Walzade for the opponent society.

4] In the light of submissions made by both sides' Ld. advocates only the point for determination is, "Whether the instant application filed by the opponent society is fit to be allowed as prayed?". My answer to the said point is "No" for the following reasons:

5] Admittedly, by filing the present application, the opponent society has prayed to reject/discard the evidence of the disputants by contending that his said evidence is based on false and fabricated documents. The main contention of the opponent society is that the disputant has prepared false documents showing the issuance of acknowledgments of resignations of two directors namely Shri.Arvind Madhukar Bhalerao and Shri.Tushar Shivaji Ghotekar by Shri.Arun V. Nagpure though he was not the Secretary of the opponent society at the relevant time. It is further contention of the opponent society that the disputant has prepared counter-fit stamp of the opponent society and by utilizing/misusing the same he has prepared false documents of acknowledgments of resignations of the two directors of the opponent society. On these allegations the opponent society has sought to take legal action against the disputant.

6] The contents of para No.1 of the application, if read, it is contended by the opponent society that the then Secretary Shri.Arun Nagpure though was not holding any post in the opponent society, has issued acknowledgments in respect of the resignations of two directors namely Shri.Arvind Madhukar Bhalerao and Shri.Tushar Shivaji Ghotekar though he had no right to do so.

The opponent society thus indirectly admitted that Shri.Arun V. Nagpure has issued and signed the acknowledgments of the resignations of said two directors. Thus there remains no dispute that as per its own contention the acknowledgments of resignations are signed by Shri.Arun V.Nagpure. It is the contention of the opponent society that he had no authority to do so because on that date he was not Secretary. The copy of proceeding book of the Board of Directors meeting dated 8/6/2022 produced by the disputant shows that Shri.Ambadas Karbhari Aher was appointed/elected as Secretary of the opponent society. Insite of that as per the contention of the opponent society, said Shri.Arun Nagpure has signed the acknowledgments of the resignations. In my considered opinion, whether Shri.Arun Nagpure had the authority to sing the acknowledgments or not can be decided only at trial after recording evidence. That being part of evidence at this juncture, no conclusive finding can be recorded on the said aspect. The fact that Shri.Arun Nagpure has signed the acknowledgments of the resignations is not disputed by the opponent society. As far as allegedly preparing counter fit stamp of the society by the disputant is concerned, admittedly, in support of the said allegation no evidence is produced on record by the opponent society. Even the application is not supported by any affidavit nor the allegations are supported by any substantive evidence. Mere allegations that the disputant has prepared fictitious stamp, cannot be held sufficient. No evidence in support of said allegations has been brought on record by the opponent society and hence, the said allegations prima-facie cannot be accepted. The document of hand writing expert produced by the disputant along with list at Exh.38 prima-facie

mentions that the signatures made on the acknowledgments of the resignations and the charge receipt (taking & delivering) has been made by one and the same person. Thus the said hand writing expert's report prima-facie mentions that the signature on the acknowledgments of the resignations referred above are made by Shri.Arun V. Nagpure. Even otherwise also the signatures made below "copy received" on acknowledgements of resignations dated 12/6/2022 & 13/6/2022 appears similar to admitted signature of Shri.Arun V.Nagpure on his third party application filed below Exh.30. In such circumstances, the contention of the opponent society that the disputant has prepared false document, stamp of the society etc. prima-facie cannot be accepted. The opponent society though has prayed for rejecting evidence of the disputant did not mention any provision of law under which it has filed the present application. When the society has prayed for rejection of evidence of the disputant then certainly it must have shown the provision which confers power on the Court to do so. However, the opponent society has failed to do so. In such circumstances, the application deserves to be rejected. Hence, I proceed to pass following order:

ORDER

- (1) The application Exh.27 stands rejected.
- (2) No order as to the cost.

Date:17/08/2026
Place:Nashik.

sd/-
(U.M.Kulkarni)
Judge,
Co-operative Court,Nashik.