

IN THE COURT OF JUDGE CO-OPERATIVE COURT NASHIK

A.B.N. Case No-82/2024

ORDER BELOW EXH 30

1. By this application the third party applicant Shri Arun Vishwanath Nagpure seeks to take legal action against the disputant for having allegedly filed false affidavit and fabricated documents. The applicant has contended that the election of opponent society was held on 08.06.2022 and since the said date the applicant has ceased to be a secretary of opponent society. However in the documents of resignations produced by disputant, there is appearing signature of applicant for having issued acknowledgements thereof . It is contended by applicant that the signatures on the acknowledgments of the resignations are not of his, so also the stamp thereon is also fictitious. The disputant has purposefully produced such fictitious documents before court and hence legal action for that should be taken against him. The applicant therefore has prayed for taking legal action against the disputant.

2. The disputant has replied the application by filing his say at Exh 34. He contended that the application filed by applicant third party is false and misleading. He denied that he has prepared false and fabricated documents and stamp of the society as alleged. The two directors of opponent society. It is a fact that two directors of opponent society namely Shri Tushar Shivaji Ghotekar and Shri Arvind Madhukar Bhalerao had tendered their resignations to the society and office of taluka deputy registrar Nashik and therefore the board of directors of said society had went in to minority and hence administrator has been appointed on the said society. The present dispute is filed concerning the conduct of general meetings and management of the opponent society and all necessary parties are made to the dispute. The third party applicant has no concern with the same nor he is necessary to be added as opponent. The issue raised by third party applicant can not be gone in to in the present dispute. The application cannot be considered in the light of section 94 (3) of MCS act 1960.

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In the application is not touching the main dispute between parties to the dispute. The 3rd party applicant has no right to get his issue being determined in the present dispute. The resignations dated 13th of June 2022 were received by the Secretary of opponent society. The signature on the said office copies of the resignations and on the 3rd party application is same / similar which shows that the said resignations were received by the 3rd party applicant. Therefore the relief claimed by the 3rd party applicant is vague and meaningless and therefore the application be rejected with cost.

3. Heard learned Advocate Shri H.J.Barde for third-party applicant and Shri M.P.Kasar-Patil for disputant. Perused the record. The learned advocate for third-party applicant submitted that the tenure of the applicant being secretary of the opponent society was already expired and therefore there was no question of issuing any acknowledgements of the resignations of the directors by him. The said documents are publicly hereby disputant and therefore action should be taken against him for that.

4. In my considered opinion, in the attending facts of the case, apart from the question whether the third-party applicant has allegedly signed the acknowledgements of the resignations of the 2 directors of the opponent society or not, the issue for consideration is whether the instant application filed by third-party applicant can be entertained and on his such application the court can direct action against the disputant ?. In my considered opinion the answer to the question obviously is "No" because the third-party applicant being outsider to the present proceeding, in the absence of asking for his impleadment to the dispute, if really required, can't directly pray for any relief **as if a party** to the dispute. The third-party applicant is simply praying for taking action against the disputant for the reasons mentioned in the application. There is no prayer made by applicant for his addition as a party opponent or disputant as the case may be, if he is going to be affected in any manner because of filing of the present dispute by the disputant. Therefore merely for taking action against the

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disputant, the application at the instance of third-party applicant cannot be entertained nor it is maintainable. There is no provision of law cited by the 3rd party applicant which gives right to him to file such application. Therefore such application cannot be allowed. Hence I proceed to pass the following order,

ORDER

1. Application stands rejected.
2. No order as to cost.

Date :- 17.08.2026


(U.M.Kulkarni)

Judge

Co-op. Court Nashik