

IN THE CO-OPERATIVE COURT, NANDED

(Before Shri. B.S.lakhote,Judge)

Bhaskar Bhilwande,

DISPUTANT

VERSUS

District Co-operative election officer,

OPPONENT

ORDER BELOW EX. 72

1. The disputant filed application for addition of necessary to dispute. The contention of disputant that the disputant filed dispute and challenged the election process conducted in respect of society. The disputant in dispute led evidence and completed it and matter is for recording further evidence.

2. The disputant submitted that upon perusal of election record, voter list and other documents place on record it has become apparent that certain persons given in list attached with application with whose right and interest are directly affected by the out come of the present dispute. The presence of said persons in necessary for effective, complete adjudication of the controversy involved in the dispute. The disputant does not seek any amendment to the pleading or relief already prayed in the dispute, the present application is only for addition of parties. No any harm will cause to the other side if the propose parties are added in dispute at this stage and therefore prayed for relief.

3. The opponent in reply submitted that the disputant in dispute pray for declaration that the voter list is bogus and therefore the

elected member are not necessary party to dispute and dispute is not tenable.

4. In view of the application of disputant the point for consideration arise whether the propose persons are necessary party in dispute. The contention of disputant counsel that these proposed persons are elected member in society and without their presence in the matter any order passed in the dispute will cause effect on their right, interest and therefore this person are necessary parties. On other side the submission of opponent counsel that the disputant challenged only voter list and therefore the proposed person are not necessary parties.

5. In order to examine the correctness in the submission of respective counsel it is necessary to consider the nature of dispute and the relief claim therein. The disputant filed dispute and thereby challenged the election of opponent no. 3 society on the ground that the election took place by casting vote of bogus member which is illegal and the disputant claim the relief to that effect in the dispute. The proceeding demonstrate that the opponent contested the dispute by filing their written statement and the disputant lead evidence and the opponent counsel cross examine to the witness and when the matter fixed for further evidence, the disputant filed this application. The averment in the plaint indicate that the disputant contended that the additional 355 members are bogus and the election of society is illegal. As per the submission of disputant that proposed person are elected in election and therefore their presence is necessary. In case of Ramesh Kundanmal Vs. Municipal corporation of greater Bombay (SC) 1992/ 202, in case of

Baluram Vs. P. Chellathangam and others (SC) 2014/879, Mumbai International airport Pvt. Ltd. Vs. regency convention center and hotels Pvt. Ltd. 2010 (SC) pg. 78 and Amit Kumar shaw and other Vs. Faridakhaton and others (SC) 2005 pg. 670 which is relied by disputant. I have gone all these rulings on the point of addition of parties under order 1 rule 10 of CPC and the said principal is applicable in the present matter. After considering the pleading in dispute I find substance in the submission for the reason that the disputant challenged the voter list on which basis the election took place and proposed persons are elected and therefore in order to decide the issue on merit the presence of these proposed persons are necessary in dispute. If in case of rejection of application and any order passed in dispute certainly will affect on the interest of these proposed persons therefore considering the nature of dispute the application is liable to allowed.

Considering the reasons application is liable to allowed and accordingly I proceed to passed following order.

ORDER

1. The application is hereby allowed.
2. The disputant shall carry out amendment in the dispute and filed amended plaint and supply copy thereof to other side.
3. No order as to cost.

Place: Nanded
Date : 16/01/2026

Judge
(B.S.Lakhote)
Co-operative Court Nanded