

IN THE CO-OPERATIVE COURT, NANDED

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

Pathan Ajimkhan Mohammad Khan

VERSUS

Veej Kamgar Co-operative society and others

ORDER BELOW EX. 39

1. The disputant filed present application for calling the documents from the opponent no.1 and the opponent no.4 the departmental inquiry papers of the opponent no.2 and 6.The contention of the disputant that the disputant filed dispute for the recovery of the amount.

2. The opponent no. 5 conducted the department inquiry of the opponent no.2 and issued notification on 18/05/2023 and 26/07/2013 that is at the time of sanction of loan. The opponent no.4 has issued salary certificate for obtaining loan. The inquiry against the opponent no.2 was conducted similarly the department inquiry of opponent no.6 was also initiated. Therefore the fact mention in para 1, the file for department inquiry of opponent no.2 and 6 are necessary and the documents to show the their conduct. Accordingly pray for relief.

3. The opponent no. 4 in reply submitted that the application is not tenable. The prayed of the application is not tenable. The opponent no.1 submitted in reply that the subject matter is only recovery of amount and hence the disputant has no right to called the documents from the opponent. The application is liable to rejected.

4. I have heard the respective counsel and gone through their pleading. The point for the consideration whether the documents seek to call by the disputant are the material to decide the issue in the dispute. The contention of the disputant that the the opponent no.5 conducted inquiry of the opponent no.2 and at that time sanction loan to the opponent no.2 and the opponent no.4 issued salary certificate . The documents are the material to prove the conduct of the opponents. On other side the contention of the opponents counsel that these documents are not material and relevant to the dispute as the dispute is filed for the recovery of the amount.

5. I have gone through the pleading of the disputant and the prayed made therein and it seen that the the disputant was one of the guarantor to the loan of the opponent no.2 and the society recovery loan from the disputant and now the disputant want to recover said amount from the opponents. The disputant in para no.4 of the dispute mention that the the opponent no.5 conducted inquiry of the opponent no.2 and the opponent no.4 issued salary certificate for obtaining the loan. Now the inquiry report are required to decide the dispute, the answer would be negative for the reason that the disputant filed dispute for the recovery of the amount of loan recovered from the disputant by the society. The disputant was one of the surety to the loan obtained by the opponent no.2 . The question whether the loan which was disbursed to the opponent no.2 was legal or illegal is not point in the dispute, whatever the departmental inquiry made by the opponent no.5 of the opponent no.2 is not relevant to the dispute. The issue only whether the disputant is entitled to recover the amount as claim in the dispute. The disputant from whom the loan of the opponent no.2 recovered by the society , the disputant on proving the fact by evidence may be entitled for that

amount. But the documents called by the disputant are not material and relevant to the dispute. Accordingly application is liable to be rejected. I proceed to pass following order.

ORDER

1. The application is hereby rejected.
2. No order as cost.

Place: Nanded
Date : 02/08/2025

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