

MHCO270001012022



Nandgaon Khandeshwar Saha Kharedi Vikari Samittee  
Vs.  
Maha. Stat Co-op. Marketing Federation, Mumbai

**Order Below Exhibit. 74**  
(Passed on 10<sup>th</sup> August 2026)

1. This is an application filed by opponent and prayed that Hon'ble court may pleased to direct the disputant to make available the documents mentioned in this application.
2. According to opponent, disputant suppress the material document from the court, opponent required to inspect these documents and list of documents mentioned in this application.
3. Documents are as follows :
  - 1) Audit report submitted by Shri.V.S. Meshram, Special Auditor, Class 2 Cooperative Societies, Amravati for the year 2017-2018.
  - 2) All documents attached with letter dated.11/05/2017 Ex. 54.
  - 3) The documents and receipt of warehouse showing how much Toor is deposited in warehouse by the disputant after its purchase in the year 2016-17.
  - 4) The acknowledgment given by the opponent of ware house receipt supplied by the disputant to the opponent in the year 2016-17.
  - 5) Final Report of Toor deposited in warehouse supplied by the disputant to the opponent at the end of the year 2016-17 as per letter dated 24/08/2017 at Ex.68 issued by the opponents.

4. Disputant has filed say below this application and at Ex.75. According to disputant, under which provision said inspection is sought is not mentioned, whether these documents are available with disputant or not is not shown. The formal say has been filed by the disputant to the application filed by opponent nos.1 and 2. For inspection the say filed on 30/06/2026 does not speak about availability of documents referred in application, hence additional say is required.

5. It is submitted that as per Order 11 Rule 4 (2) the inspection should have been completed of all documents disclosed within thirty days of the date filing of the written statement. As per Order 11 Rule 4 (2), directions cannot be sought from court for inspection or production of documents, unless inspection has been refused or documents have not been produced despite issuance of notice to produce. There is no refusal or notice to produce. In fact application is not tenable.

6. It is also submitted that the disputant society is not banking upon the audit report submitted by Shri.V.S.Meshram Special Auditor. The Audit report upon which the disputant society is relying upon is placed on record as per the demand of opponents. Neither opponents have referred this document.

7. It is further submitted that, the disputant has not received any document alleged to have been attached with letter dated 11/05/2017 Ex.54. The author of the document has no authority to seek inspection. The original receipts of warehouse are in custody of opponent no.2. From the said receipts the opponent no.2 reached to the conclusion the 362.50 Quintal Toor is in deficiency. Opponent no.3 Gurudev Ramgade was looking after the management of transporting the purchased goods and deposition of purchased Toor in Warehouse. All originals are with him or in custody of

opponent no.2. As the alleged deficiency of 362.50 Quintal is searched out by opponent no.2 means they have perused, inspected the receipts and which are in their custody.

8. That the alleged acknowledgment never given by the opponent. It is very ridiculous demand. The documents author is opponent and he is asking for inspect of acknowledgment. It opponents claim that final report of deposited Toor is submitted then why inspection is required in respect of those documents which are in your custody. The interrogatories or inspections are not to be permitted for collection of evidence.

9. Perused the application and say. Heard both sides. This is a dispute filed for recovery of amount. In this dispute, evidence is partly recorded. The demand is made regarding audit report, document attached with 11/05/2017, documents and receipt in the year 2016-2017, acknowledgment, final report of the year 2016-2017 and documents are in possession of the disputant.

### **REASON**

10. On Perusal of list of document mentioned in this application, it shows that, these are not necessary for deciding the matter on merit. How these documents are related, reliable and important is not mentioned in this application.

11. Audit report and all documents with Ex.54. Whether these documents are necessary for evidence and how these are relevant is not mentioned in this application. Other documents from Sr.No.3 to 5 are in possession of disputant and during the year 2016-2017. but specifically how these documents are relevant is not mentioned. Hence, I proceed to pass the following order.

**ORDER**

- 1) The application is rejected.
- 2) No order as to cost.
- 3) Both parties to take note.

Dt.10/08/2026

**(K.A.Pattebahadur)**  
Judge,  
Co-operative Court, Amravati.