

MHCO010001052021 	Dispute No. 115/2021 <u>Anupam K. Kalidhar and anr.</u> <u>Vs.</u> <u>Olympic Towers CHSL.</u>
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ORDER BELOW EXH -30

(Passed On 29th day of July, 2026)

Case of the opponent in brief as under:-

1. The present application is filed to object the appearance of legal practitioner of disputant as per section 94(2) of the Maharashtra Co operative Societies Act, 1960. (M.C.S. Act).
2. The present application is made by Mr. Anil Hamirwasia-the secretary of opponent society i.e. Olympic Towers C.H.S. Ltd (Hereinafter referred as the Secretary/applicant). Applicant submitted that as per section 94(2) of the M.C.S. Act only party to the dispute has right to plead the matter and not the legal practitioner, unless permission is sought from the court. No such permission is taken by the learned advocate of the disputant. Hence, disputant shall be directed to appear and plead the matter and permission be denied to his learned advocate.
3. Per contra, disputant stated vide exh. 31 that the present application is not maintainable. The opponent had filed the application below Exh-16 seeking the same relief, which is already rejected by this court vide order dated 23/08/2023. This is second application. Hence, present application be rejected.

4. Perused the records and heard both the sides at length. The applicant has prayed that legal practitioner of disputant be barred. Reason being as she has not taken necessary permission as per section 94(2) of the M.C.S. Act to represent disputant. As stated above, as per section 94(2) of the M.C.S. Act, no party shall be represented at the hearing of a dispute by a legal practitioner except with the of the Court. It is to be noted that disputant has submitted a Vakalatnama vide exh.2 on his behalf. My learned predecessor has passed an order of filed on the same.

5. As mentioned above, the Vakalatnama filed on behalf of disputant has already been accepted by my learned predecessor. Secondly, technicalities cannot be allowed to imperil the justice, as in the present case Vakalatnama has already been filed. Lastly, as held by the Hon'ble Apex Court, technicalities will have to be set apart and practical approach will have to be adopted. Hence, considering all the aforementioned grounds and reason, I proceed to pass the following order.

ORDER

1.	Application below Exh. 30 is rejected.
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Dt.29.07.2026
Mumbai.

Sd/-
(J. A. Zari)
Judge, Co-operative Court No.4,
Mumbai.