

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3437 OF 2023

[Akshat CHS Vs. Arun]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr. S.S. Panchpor, Advocate for Petitioner.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd MARCH, 2023

P.C.:

1. The Petitioner Society has challenged the order passed by the Co-operative Court, Pune dated 26.10.2018 in Dispute No.153/2004 as well as the order dated 2.2.2022 passed by the Appellate Court in Appeal No.154/2018.
2. Learned counsel for the Petitioner invited my attention to the paragraph-25 of the order passed by the Co-operative Court in which it is mentioned that the audit report shows that there was difference of Rs.4,08,878/- and based on this, the Court observed that the Petitioner Society failed to prove that there was difference of Rs.5,05,000/-. Learned counsel, therefore, submitted that if the Court was satisfied that at least an amount of Rs.4,08,878/- was proved by the society then the dispute should have been allowed partially. He submitted that

the Appellate Court had merely accepted the finding of the Co-operative Court that the Petitioner society had failed to prove the claim of Rs.5,05,000/-. He has restricted his submission only to the difference of Rs.4,08,878/-.

3. Considering these submissions, issue notice to the Respondents, returnable on 12.7.2023.

(SARANG V. KOTWAL, J.)

Deshmane (PS)