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

WRIT PETITION NO. 8682 OF 2016

Mr. Vasant Sitaram Kondhalkar.

... Petitioner.

V/s.

Mangal Co-operative Housing Society Ltd. & Anr. ... Respondents.

Mr. S.S. Kanetkar for the Petitioner.

CORAM : N.M. Jamdar, J.

25 August, 2016.

Oral Order :-

The Petitioner challenges the concurrent judgments and orders passed by the Co-operative Court, Pune and the Co-operative Appellate Court, Pune wherein the dispute raised by the Respondent – Society of which the Petitioner is a member, is allowed and the Appeal filed by the Petitioner is dismissed.

2. The Respondent – Society had raised a dispute as regard the liability of the Petitioner to pay certain amounts to the Respondent – Society. The learned Co-operative Court Judge initially had dismissed the dispute. In the Appeal filed the

proceedings were remanded and thereafter, impugned orders have been passed.

3. The learned Counsel for the Petitioner contended that the Petitioner has disputed his liability to pay the amount to the Respondent – Society and in the cross-examination of the witness examined on behalf of the Respondent, he has given various admissions. He submitted that this witness himself has admitted that the amount paid by him is around Rs.20,000/-. He submitted that this was the amount payable by each member which the Petitioner has paid and therefore, the orders passed by both the Courts are incorrect.

4. The scope of interference under Article 227 of the Constitution is limited. The main question is whether the Petitioner is liable to pay an amount of Rs.62,481/- to the Respondent Society, as directed by both the Courts. The Respondent - Society keeps its account in a ledger in routine course of business. The entries are also made in the routine course of business. All the payments and liability are generally entered into said ledger. The liability to pay the amount cannot be determined on the basis of oral evidence. The amount due is reflected in the ledger which was produced. The Petitioner has, in the entire cross-examination, not attempted to discredit the said ledger and has only relied upon certain admissions in the oral evidence.

5. Once the documentary evidence produced on record demonstrated that the Petitioner was liable to pay certain amounts, then the orders passed by both the Courts directed to pay the amount cannot be said as without jurisdiction or perverse. It needs to be noted that the Petitioner was himself the erstwhile Chairman of the Respondent – Society. In these circumstances, no interference is warranted. The Writ Petition is accordingly rejected.

(N.M. Jamdar, J.)