

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3512 OF 2016

Shivputra S. Kudche and ors. .. Petitioners
vs.
Sai Ganesh Co-op. Credit Society
Maryadit Miraj & anr. .. Respondents

WITH
WRIT PETITION NO. 4030 OF 2016
Shanta Shivputra Kudche and ors. .. Petitioners
vs.
Sai Ganesh Co-op. Credit Society
Maryadit Miraj & anr. .. Respondents

Mr. Padmanath D. Pise for the Petitioners.
Mr. Umesh R. Mankapure for Respondent No.1.

CORAM : M. S. SONAK, J.
DATE : 23 APRIL 2019.

ORAL JUDGMENT :-

- 1] Heard learned counsel for the parties.
- 2] The learned counsel for the parties state that the issue involved in both the petitions are identical. Therefore, it is only appropriate that both these petitions are disposed of by common judgment and order.
- 3] Rule in both the petitions. With the consent of and at the request of learned counsel for the parties, Rule, in both the petitions, is made returnable forthwith.

4] The petitioners, who are opponents in Dispute Nos.225 and 226 of 2010, had applied to the Cooperative Court for directions requiring the respondent – society to furnish the following documents:

- “1) Approved byelaw of society.*
- 2) 'I' register of society*
- 3) The day book of society from the period 26/06/2007 to 31/01/08.*
- 4) The cash book of the applicant society from the period 26/06/2007 to 31/01/2008.*
- 5) Inward outward register of society from 26/06/2007 to 31/01/08.*
- 6) The account statement of present applicant society which is allegedly having in the custody of society, alongwith loan application.*
- 7) The documents in respect of the shares of society.*
- 8) The cash balance certificate as well as the account certificate of the applicant society from the period 26/06/2007 to 31/01/2008.”*

5] The Cooperative Court, by orders dated 28th July 2015 had ordered the society to furnish to the petitioners documents listed at Sr.Nos.1,3,4,6 & 8. However, by the impugned orders dated 8th October 2015, the Revisional Court, has set aside the orders dated 28th July 2015. Hence, the present petitions.

6] Mr. Mankapure, learned counsel for respondent – society, on basis of instructions and without prejudice to the rights and contentions of the society, states that the society will furnish to the petitioners the following documents:

- “1) Approved byelaw of society.*
- 2) The day book of society for the period between 26/07/2007 and 30/09/2007.*
- 3) The cash book of the society for the period between 26/06/2007 and to 30/09/2007.*
- 4) The account statement of the applicant society alongwith loan application.*
- 5) The cash balance certificate as well as the account certificate of the society for the period 26/06/2007 and to 30/09/2007.”*

7] Mr. Mankapure, learned counsel for the respondent – society, submits that as per the records of the society the amount was disbursed to the petitioners on 28th September 2007 and therefore, the petitioners, can have no right to insist upon furnish of record up to 31st January 2008. He submits that such records are clearly irrelevant.

8] Mr. Pise, learned counsel for the petitioners in both the petitions, states that the petitioners will be satisfied if the society furnishes the aforesaid documents as referred to by Mr. Mankapure. According to me also with the furnish of

aforesaid documents, as proposed by Mr. Mankapure, the grievances of the petitioners will stand substantially redressed.

9] Accordingly, the society, consistent with the statement of Mr. Mankapure, to furnish the aforesaid documents as proposed by Mr. Mankapure to the petitioners within a period of two weeks from today.

10] Mr. Pise confirms that with furnish of the aforesaid documents, the grievances of the petitioners will stand redressed.

11] The impugned orders are therefore, modified in the aforesaid terms.

12] Rule, in both the petitions, is made absolute in the aforesaid terms. There shall be no order as to costs.

13] The Cooperative Court is directed to dispose of the disputes as expeditiously as possible. Both parties to

cooperate with the Cooperative Court in the matter of expeditious disposal of the disputes on their own merits and in accordance with law.

14] All concerned to act upon an authenticated copy of this order.

(M. S. SONAK, J.)