

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

WRIT PETITION NO. 6941 OF 2018

Rutuja Ramkrishna Gawas ... Petitioner

Vs.

Sindhudurg District Primary Teachers
Co-operative Credit Societies Ltd. and Ors. ... Respondents

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Mr. Mahesh V. Rawool for the petitioner.

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CORAM : M. S. KARNIK, J.

DATE : 5th DECEMBER, 2019.

P. C.:

1. Heard learned counsel for the petitioner.
2. The petitioner is challenging an order dated 06.01.2017 passed by the Judge, Co-operative Court No.2, Kolhapur allowing the application for impleadment. Respondent No.1-Sindhudurg District Primary Teachers Co-operative Credit Societies Ltd. filed the dispute under Section 91 of the Maharashtra Co-operative Societies Act, 1960 for recovery of amount of Rs.69,23,809/- and the said dispute is pending before the Co-operative Court at Kolhapur. During the pendency of the dispute, the application was filed by the disputant for addition of parties on the ground that Opponent No.3 during pendency of

dispute transferred his properties to the proposed Opponent No.6 and to his wife proposed Opponent No.7 and mortgaged properties to the proposed Opponent No.5 and thus it is the contention of the disputant that after filing the application for attachment of properties of the Opponent No.3, the properties are transferred to the proposed Opponent Nos.6 and 7 only with intention to avoid paying the amount of disputant.

3. Learned counsel for the petitioner would submit that the petitioner is in no way concerned with the dispute and as she is not a Member of the Society, the proceedings against her under Section 91 of the Maharashtra Co-operative Societies Act, 1960 would not be maintainable.

4. The Trial Court recorded the finding that the Opponent No.3 transferred the property on 14.02.2012 after filing of the dispute and after filing application of attachment of property and therefore, formed an opinion that the intention of Opponent No.3 is to defeat the right of disputant. The Co-operative Court for the reasons recorded was of the opinion that for the purpose of the dispute the impleadment of the proposed respondent Nos.6 and 7 is necessary.

5. I see no reason to interfere with this order. All the contentions raised by learned counsel for the petitioner can also be raised before the Co-operative Court by filing the written statement to the plaint. Keeping all contentions of the petitioner open on merits to be raised in the written statement / reply to be filed to the amended plaint, I see no reason to interfere with the order impugned as the petitioner has been impleaded as Opponent No.7 on the premise that during the pendency of the proceedings the property has been transferred in favour of Opponent Nos.6 and 7 to defeat the rights of the disputant. Keeping all contentions on merits open to be raised in the written statement/reply including the contention that no relief can be claimed against the petitioner in the dispute on the ground she is not a Member of the Society, the present petition is dismissed.

(M. S. KARNIK, J.)