

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1200 OF 2020

Vicharwant s/o Ramrao Rathod

Petitioner

Versus

Nandigram Sahakari Gruha Nirman
Sanstha Ltd., Nanded & another

Respondents

Mr.G.T.Kharate, advocate for the petitioner

CORAM : ROHIT B. DEO, J.

DATE : 07th February, 2020.

P.C. :

1 The petitioner is the Disputant in Dispute No.72 of 2014 and the Respondents are arrayed as opponents therein.

2 The parties shall be referred by their status in the Cooperative Court.

3 The Disputant is seeking a declaration that he is owner and in possession of plot no.5 in S.No.36.

4 The claim of the Disputant is on the basis that vide Resolution dated 25.04.2013, Opponent No.1-Society transferred the said plot in favour of Opponent No.2 and thereafter the

Disputant purchased the plot from Opponent No.2, and vide Resolution dated 28.05.2013, the Opponent No.1-Society gave effect to the said transaction and transferred the plot in favour of the Disputant.

5 The Disputant closed his evidence after examining himself and two witnesses. On behalf of the Opponent No.1-Society, the Secretary stepped into the witness box and was cross-examined by the Disputant. The matter was closed for final arguments, at which stage, the Disputant preferred an application seeking to summon one Pandharinath Kendre as witness. This application is rejected by the Co-operative Court and the Revision is dismissed by the Co-operative Appellate Court.

6 The disputant contended that the Secretary examined by Opponent No.1-Society deposed contrary to the written statement, which is illegal and that this was done since the Secretary is a rival of the father of the Disputant. This is the only reason given for summoning Shri Pandharinath Kendre, according to the Disputant, who was the Chairman during whose tenure the Resolution was passed.

7 The reason given in the application does not justify examination of additional witnesses at the stage of final arguments. Both the Courts below have correctly appreciated the fact and position of law obtaining. The Co-operative Appellate Court rightly noted that there is absolutely no explanation, why Shri Pandharinath Kendre could not have been examined at the stage of evidence and that the Disputant could not be permitted to re-open the entire evidence on the basis that the Secretary of the Opponent No.1-Society deposed contrary to the written statement.

8 The orders impugned do not suffer from error.

9 Petition is dismissed.

ROHIT B. DEO
JUDGE

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