

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAS) NO. 485 OF 2020

IN

SECOND APPEAL NO. 163 OF 2020

(Prabhakar Ramchandra Dandekar Vs. Ramchandra Mahadeorao Dandekar and ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A.H. Lohiya, Advocate for the appellant/original plaintiff.
Shri A.V. Khare, Advocate for the respondent No.3/defendant
No.3/caveator.

CORAM : S.M. MODAK, J.

DATE : 26th AUGUST, 2021.

1. Heard Shri A.H. Lohiya, learned Advocate for the appellant/original plaintiff and Shri A.V. Khare, learned Advocate for the respondent No.3/defendant No.3 – Gulmohar Co-operative Society.

2. The appellant/original plaintiff wants to produce the order passed by the Deputy Registrar of Co-operative Societies, Nagpur thereby appointing a Liquidator for respondent No.3/defendant No.3 – Society and also wants to file the same on record. A request is made to the Deputy Registrar of Co-operative Societies thereby granting leave to proceed against respondent No.3/defendant No.3 in a proceeding arising out of Civil Suit. The reason quoted for not producing those documents before the First Appellate Court is that the appellant is not aware and, in fact, respondent No.3/defendant No.3 even do not place those documents before the First Appellate Court.

3. There is a submission on behalf of the respondent

No.3/defendant No.3 that even he was not aware about appointment of Liquidator and there is an insistence on hearing respondent Nos.1 and 2 prior to deciding this application. It is also submitted that the order of appointing liquidator is also set aside.

4. This Court feels that application can be allowed today also. This Court is not expressing any opinion about the grievance of not producing those documents by respondent No.3/defendant No.3 before the First Appellate Court. Suffice it to say that, documents needs to be placed on record pertains to the appointment of Liquidator. Hence, the Civil Application is allowed and disposed of.

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5. Earlier the respondent No.3/defendant No.3 was a Liquidator but, now the order of appointing Liquidator is set aside and hence, the appellant wants to carry out necessary amendment while describing respondent No.3. In addition to, there is some typographical error in ground No. (b) of the appeal memo.

6. Heard both the sides, prayer is allowed. Amendment to be carried out forthwith. Filing of amended copy for paper book purpose is dispensed with. The Civil Application is disposed of accordingly.

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7. The matter be kept on **03.09.2021** for hearing and admission.

JUDGE