

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.31 OF 2022

MAYFAIR CO-OPERATIVE HOUSING
SOCIETY LTD., REP. BY ITS
CHAIRMAN, DOMINGOS J. T. SOARES
@JUDE SOARES

... PETITIONER

Versus

FRANCISCO CARMO FERNADNES

... RESPONDENT

Mr J.J. Mulgaonkar, Advocate for the Petitioner.

Mr Chaitanya Padgaonkar, Advocate with Ms V. Mahato, Advocates
for the Respondent.

CORAM:- M. S. SONAK, J.

DATED :- 8th December, 2023

P.C.

Heard Mr. Mulgaonkar, learned Counsel for the Petitioner and Mr.
Padgaonkar, learned Counsel for the Respondent.

2. The Petitioner has raised a dispute before the Registrar, which was
referred to the Registrar's Nominee for adjudication.

3. The Respondent filed a response and along with the response,
relied upon a list of documents.

4. The Petitioner then applied for copies of some of the documents

which were not furnished to the Petitioner. The Respondent pointed out that the documents of which copies were applied for by the Petitioner were not in the possession of the Respondent and the Respondent sought for directions from the Registrar's Nominee to the parties in whose possession such documents were, to produce the same.

5. Surprisingly, the Petitioner opposed the grant of relief in such application. Despite the Petitioner's opposition, the Registrar's Nominee allowed the application and directed those parties to produce the documents since they were sought by the Petitioner.

6. Now, the Petitioner challenges this Order first by filing an Appeal before the Co-operative Tribunal. This Appeal was withdrawn after it was found that the same was not maintainable. This withdrawal was on 29.10.2019. After that, on 05.03.2020, this Petition was instituted.

7. In my judgment, this Petition is entirely misconceived. The extraordinary jurisdiction under Article 227 of the Constitution, cannot be exercised in favour of the Petitioner, who initially sought for these documents and then has been opposing the Respondent's efforts to obtain such documents so that copies of the same could be furnished to the Petitioner.

8. Mr. Mulgaonkar states that these documents are irrelevant. If the

documents are irrelevant, then the Petitioner should not have sought for the copies of the same. Even now, Mr. Mulgaonkar was not prepared to make a statement that the Petitioner would withdraw their application for copies and argue that these documents are irrelevant. In any case, this is not the stage for deciding the issue of relevance or otherwise of the documents.

9. For the above reasons, this Petition is dismissed. There shall be no order as to costs.

M. S. SONAK, J.

ANDREZA PEREIRA  Digitally signed by ANDREZA PEREIRA
Date: 2023.12.08 16:52:46 +05'30'