

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6439 OF 2015
IN
WRIT PETITION NO.5477 OF 2015

Sanjay Shivajirao Marathe & Another

APPLICANTS

VERSUS

Dhule Zilla Sahakari Patsansthas Mahasangh Ltd.,
& Another

RESPONDENTS

.....

Mr. Shrikant S. Patil, Advocate for the applicants
Mr. V. D. Hon, Sr. Advocate i/b Mr. A. V.Hon, Advocate for R-1
Mr. S. K. Tambe, AGP for respondent State

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 11th JUNE, 2015

ORDER :

1. Purport underlying the present civil application apparently is to seek clarification of order dated 19th May, 2015 passed by this court, in order to enable the appellate authority to properly decide the appeal.
2. The order passed by this court on 19th May, 2015 is reproduced herein below for ready reference.

"1. Learned counsel for the petitioner submits that the societies which were not in

the voters list, had been directed by respondent No.2 to be included in final voters list. Learned counsel further submits that the Co-operative Court, Jalgaon by order dated 7th January, 2015 in Dispute No. D/43/2014, rejected application Exhibit-5 filed by respondent No.3. Against which, respondent No.3 has preferred A.O. No. 2 of 2015 before the Maharashtra State Co-operative Appellate Court, Mumbai, Bench at Aurangabad. Learned Member of the Maharashtra State Co-operative Appellate Court Mumbai, Bench at Aurangabad, by judgment and order dated 27th March, 2015, dismissed A.O. No. 02 of 2015.

2. Learned counsel further submits that thereafter respondent No.3 approached to respondent No.2 and obtained order in his favour on 8th May, 2015.

3. In view of this, issue notice before admission to the respondents, returnable on 19th June, 2015.

4. Mr. Kaldate, learned Assistant Government Pleader waives service for respondents No.1 and 2.

5. In the meanwhile, there shall be ad-interim relief in terms of prayer clause "D" till

next date of hearing."

3. The order as such, cannot be said to be ambiguous or is unclear. The petitioner has been granted interim relief in terms of prayer clause "D'. It is thus obvious for the authorities to take into account the same and pass appropriate orders. The applicant's contention is that based on the order of this court, the returning officer has rejected his nomination. The applicant is before the appellate authority against rejection of his nomination.

4. It is for the applicant to make appropriate pleadings before the appellate authority. No clarification in the order passed by this court is required. Civil application as such, stands rejected.

5. Parties to act upon authenticated copy of this order.

[SUNIL P. DESHMUKH, J.]