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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8458 OF 2015

Suryakant Haribhau Kodgire

PETITIONER

VERSUS

Vitthal Shriram Kodgire & others

RESPONDENTS

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Mr. Shrikant V. Advant, Advocate for the petitioner

Mr. S. K. Tambe, AGP for respondent State

Mr. S. N. Lavekar, Advocate for respondents No.1 and 5

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 21st AUGUST, 2015

ORDER :

1. The petitioner had been before this court claiming a grave emergency in the matter, as according to the petitioner on eleventh hour, under the interim order passed by the trial court, his right to cast vote in elections to the managing committee of respondent No.10 had been prohibited.

2. After hearing learned advocates for the parties, it transpires that the petitioner, pursuant to the interim order on 12th August, 2015 passed by this court, had been allowed to cast vote and his vote has been kept in a separate ballot box. It further appears that his single vote is unlikely to alter the

situation emerging from the elections, which have taken place on 12th August, 2015. It is further being agitated that the dispute as has been filed before the co-operative court may not be a proper remedy.

3. Under the circumstances, I deem it appropriate that since the question of legality of petitioner's candidature / member of the society is being contested, counting of vote by the petitioner shall be subject to outcome of decision by the co-operative court. All the contentions are open to be taken before the co-operative court by the parties concerned.

4. Since the purpose underlying the petition appears to be worked out, the writ petition stands disposed of accordingly with aforesaid observations.

6. The co-operative court, having regard to the nature of dispute, may consider expeditious disposal of the matter.

[SUNIL P. DESHMUKH, J.]