

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2475 OF 2015

Shri. Suresh Sayajirao Davare and others .. Petitioners

Versus

Mr. Niwas Yashwant Shewale and others .. Respondents

Shri. Appasaheb S. Desai, for the Petitioners.

Shri. Prashant Aher, for the Respondent Nos.1 & 3.

Ms. Manjiri Parasnis, for the Respondent No.4.

Shri. S. D. Rayrikar, AGP for the Respondent Nos.5, 7, 13 & 14.

CORAM : R.M. SAVANT, J.

DATE : 07th APRIL, 2015

PC.

1. The above Petition takes exception to the concurrent orders passed by the Co-operative Court and the Co-operative Appellate Court by which orders the elections to the managing committee of the Petitioner No.14 society for the period 2010 to 2015 were set aside. The Petitioner Nos.1 to 13 were the candidates who were elected in the said election. The above Petition has been preceded by Writ Petition No.1383 of 2015 filed by the Petitioner which Petition was not pressed by the Petitioners in view of the fact that the steps for conducting the elections to the Petitioner No.14 society were commenced by the issuance of the letter dated 13th February, 2014 of the Deputy Registrar asking the Petitioner No.14 society

to submit the list of voters as on 17th February, 2015. The filing of the above Petition and renewing the challenge to the concurrent orders passed by the Co-operative Court and the Co-operative Appellate Court is sought to be justified on the ground that the said Petition was disposed of with liberty. The liberty if any granted cannot construed to mean that the Petitioner can renew the challenge to the concurrent orders passed by the Co-operative Court and the Co-operative Appellate Court. In so far as the challenge to the orders passed by the Co-operative Court and Co-operative Appellate Court is concerned, the same came to an end in view of the fact that the earlier Petition was not pressed. The liberty can only mean that the Petitioners can take exception to the events which have transpired after the passing of the concurrent orders of the Co-operative Court and the Co-operative Appellate Court in the matter of holding elections to the Petitioner No.14 society. As indicated above, the Petitioners are not entitled to renew the challenge to the concurrent orders. It is also required to be noted that it is an undisputed position that the term of the Petitioners has come to an end as a consequence of which the process for conducting the elections of the Petitioner No.14 society has been commenced. In that view of the matter there is no warrant to entertain the above Writ Petition which to accordingly stand dismissed.

[R.M. SAVANT, J]