

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 762 OF 2015

Shri Altmash K. Janvekar & ors. ... Petitioners.
Versus
The Deputy Registrar, Co-op.
Societies & ors. ... Respondents.

Mr. S.A. Sawant a/w. Mr. Ganesh Mohite, advocate for petitioners.

Mr. Milind More, Addl.Gvt. Pleader for respondent Nos. 2 to 4.

Mr. V.S. Kapse i/b. Mr. Nikhil Rajeshirke, advocate for respondent No. 5.

CORAM : B.R. GAVAI & A.S. GADKARI, JJ
DATE : APRIL 8, 2015

P.C.:

1 The grievance of the Petitioners is that the Petitioners' representation is not being decided. However, in the petition filed at the behest of the member who is disqualified, an order has been obtained for holding election. The person against whom allegations have been levelled is not impleaded as party respondent. In that view of the matter, the allegation regarding malafide cannot be heard.

2 In any case, learned AGP on instructions states that one Sanjay Valunj, who is certified auditor is already appointed as an election officer. If the Petitioners are eligible members, and if inspite of they being eligible, their names are not included, they can very well take objection, which objection, the returning officer, is bound to decide in accordance with law.

3 The Petition is disposed of with the aforesaid observations.

(A.S. GADKARI, J)

(B.R.GAVAI,J)