

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

Writ Petition No.1435 of 2015

(Sau. Lata Chandu Sojtiya v. The Registrar of Co-operative Societies,  
Maharashtra State, Pune, and others),

Writ Petition No.1436 of 2015

(Ramesh Harinarayan Dixit v. The Registrar of Co-operative Societies,  
Maharashtra State, Pune, and others),

Writ Petition No.1437 of 2015

(Ashokbhai @ Yashwant Shambhubhai Joshi v. The Commissioner/  
Registrar of Co-operative Societies, Maharashtra State, Pune, and others),

Writ Petition No.1438 of 2015

(Shashikumar Mohanlal Patni v. The Commissioner/ Registrar of  
Co-operative Societies, Maharashtra State, Pune, and others),

Writ Petition No.1439 of 2015

(Khujema Taher Ali v. The Commissioner/ Registrar of Co-operative  
Societies, Maharashtra State, Pune, and others),

Writ Petition No.1440 of 2015

(Shri Sureshkumar Balkisanji Sabu v. The Commissioner/ Registrar of  
Co-operative Societies, Maharashtra State, Pune, and others),

Writ Petition No.1441 of 2015

(Shri Gautam Ramchandji Jain v. The Commissioner/ Registrar of  
Co-operative Societies, Maharashtra State, Pune, and others),

Writ Petition No.1442 of 2015

(Gaurishankar Radhavallabh Heda v. The Commissioner/ Registrar of  
Co-operative Societies, Maharashtra State, Pune, and others),

Writ Petition No.1443 of 2015  
(Pruthvirajsinha Khushalsinha Munot v. The Commissioner/ Registrar of  
Co-operative Societies, Maharashtra State, Pune, and others)

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Office Notes, Memoranda of Coram,  
appearances, Court's orders or directions      Court's or Judge's orders  
and Registrar's order

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Shri M.A. Vaishnav, Advocate for Petitioners.

Shri S.V. Parkhi, Advocate for Respondent No.5.

Shri M.G. Bhangde, Senior Advocate, assisted by  
Shri R.M. Bhangde, Advocate for Respondent Nos.7, 8 and 17.

**Coram : R.K. Deshpande, J.**

**Dated : 23<sup>rd</sup> March, 2015**

The results of the election have already been declared under Rule 32 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014. It is, therefore, open for the petitioners to raise a dispute under Section 91 of the Maharashtra Co-operative Societies Act, 1960 challenging the election on the ground of wrongful rejection of the nomination paper.

Shri Vaishnav, the learned counsel appearing for the petitioners, has invited my attention to the proviso to Section 91 of the said Act, which includes that the rejection of nomination paper at the election to a committee of any society shall not be deemed to be a dispute for the purposes of this Section.

Shri M.G. Bhangde, the learned Senior Counsel, assisted by Shri R.M. Bhangde, Advocate, appearing for the respondent Nos.7, 8 and 17, submits that it would be a challenge to the election of the respondents, and such challenge on the ground of rejection of nomination paper can always be entertained under Section 91 of the said Act.

There cannot be any dispute over this proposition, and hence the remedy of filing a dispute under Section 91 of the said Act being available, the petition is dismissed on this sole ground.

All question are left open.

Judge.

Lanjewar