

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

914 WRIT PETITION NO. 11394 OF 2016

PRATHVIRAJ HARISHCHANDRA SIRSAT
VERSUS
PRALHAD SHANKAR ANANTWAD AND OTHERS

...
Advocate for Petitioners : Kawale Laxman H.
Advocate for Respondent 1 : A.N. Irpatgire
...

CORAM : T.V. NALWADE, J.
DATED : 7th December, 2016.

ORDER :

1. The petition is filed to challenge the order made by Cooperative Court, Latur and Cooperative Appellate Court, Mumbai, Bench at Aurangabad in Revision No. 31/2016. Number of dispute proceeding is 220/2015. The Cooperative Court has allowed the application, Exh. 94, filed for issuing witness summons against Talathis and this order is under challenge. Both the sides are heard.

2. The dispute proceeding is filed by respondent No. 1 against the petitioner and others. There is allegation against the petitioner that he was not eligible to contest the election from the constituency of cotton grower. There is also allegation that his proposer and approver were not cotton growers. It appears that 7/12 extracts were produced by the petitioner in support of

his claim as he was cotton grower. But inquiry conducted shows that no such record was prepared by the revenue authority. To prove this contention, the disputant wants to examine Talathis, revenue officers.

3. The learned counsel for petitioner argued on technicalities. He submitted that along with the dispute the names of these witnesses were not supplied. He placed reliance on the cases reported as **AIR 1994 SUPREME COURT 2526 [Thakur Sen Negi Vs. Dev Raj Negi and Anr.], 2014 (4) ALL MR 19 [Shri. Sanjay Sham Bagade and Anr. Vs. Shri. Ramesh Hari Madan & Ors.]** and **2015 (1) ALL MR 724 [Anil Ramesh Bhusari Vs. Bhaskar Ramesh Bhusari & Ors.]**. The facts and circumstances of each and every case are always different. In the dispute itself, it was made clear that the eligibility condition was not satisfied by the present petitioner and the disputant wanted to prove that. The relevant record is the revenue record on which the present petitioner was placing reliance and that record is in dispute. The truth needs to be brought on the record. It cannot be said that they are new witnesses and they were not cited because these witnesses are very much related to the ground and petitioner wants to prove the record of 7/12 extract and entry made in revenue record in

crop cultivation column. This Court is avoiding to touch the merits of the case and relevance of such record in detail as that will be the job of the Cooperative Court. This Court sees no reason to interfere in the order made by the Cooperative Court. Petition stands dismissed.

[T.V. NALAWADE, J.]

ssc/