

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8593 OF 2015**

Sou.Sumitra Babgonda Patil	...	Petitioner
V/s.		
State of Maharashtra & Ors.	...	Respondents

None for the Petitioner.
Mr.S.D.Rayrikar, AGP for Respondent Nos.1 and 2.
Mr.Amit Borkar for Respondent No.4.
Mr.V.B.Rajure for Respondent Nos.5 and 6.

CORAM : M.S. SONAK, J.

DATE : 09th FEBRUARY, 2016.

P.C.

. That on 1st February, 2016 this Court made the following order.

“In order to enable the learned counsel for the Petitioner to make a statement as to whether the Petitioner will avail the alternate remedy of election petition, stand over to 9 February 2016, on the supplementary board. Place the matter for directions under the caption of 'dismissal/disposal'.

2. When this matter was called out at 11.00 am, the Clerk, claiming to be from the Office of the learned Counsel for the Petitioner requested that the matter be kept back.

The Clerk was specifically informed that the matter will be taken up at 1.00 pm. Now that the matter is called out at 1.26 pm, neither the Clerk, nor Petitioner, nor the learned Counsel for the Petitioner are present. Therefore, it is only appropriate that this Petition is dismissed for non prosecution.

3. However, the learned Counsel for the Respondents points out that the challenge in this Petition is to the order by which the nomination of the Petitioner, for Election to the Managing Committee of Respondent No.4 Society came to be rejected. This Court, by detailed order dated 1st September, 2015, had declined interim relief to the Petitioner. Thereafter, the Elections has also taken place. In the order dated 1st September, 2015, this Court has at paragraph 18, observed that the Petitioner has an alternate remedy to file Revision Petition, if she so desires.

4. In view of the aforesaid, this Petition is dismissed. This will however, not preclude the Petitioner from availing the alternate remedy, in terms of law.

(M.S. SONAK, J.)