

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

WRIT PETITION NO.7997 OF 2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Pradeep Dattajirao Dalvi for the Petitioner

Mrs.M.S.Bane, 'B' Panel Counsel for the State

CORAM : K. K. TATED, J.

DATE : JULY 17, 2017

P.C.:

1 Not on board. At the request of Advocate for the petitioner, matter is taken on board for urgent orders.

2 The learned Counsel for the Petitioner submits that he has already given notice to the respondent for today's production. He undertakes to file affidavit of service to that effect. Inspite of service no one appeared on behalf of respondent no.1 who is contesting party.

3 By this Petition under Article 227 of Constitution of India, the petitioner challenges the order dated 7.7.2017 passed by Returning Officer, rejecting petitioner's application to reject respondent no.1's nomination on the ground that he was a defaulter of Chhatrapati Rajaram Vividh

Karyakari Sahakari (Vikas) Seva Sanstha Maryadit,
Top, Taluka Hatkanangale, District Kolhapur.

4 The learned Counsel for the Petitioner submits that authority failed to consider the certificate placed on record by the Petitioner from the said Society that they have to recover sum of Rs.7,340/- from the respondent no.1. He submits that hence, order passed by the authority is required to be set aside by allowing the Petitioner's application for rejecting respondent no.1's nomination form. The learned Counsel for the Petitioner relies on section 73(CA) of the Maharashtra Co-operative Societies Act, 1960.

5 I have heard the learned Counsel for the Petitioner at length. It is to be noted that in the present proceeding though the said Society issued certificate dated 6.7.2017 stating that they have to recover sum of Rs.7,340/- from the respondent no.1, no where it is stated by the Society they called upon the respondent no.1 to repay the same and he failed and neglected to so do and therefore, he is a defaulter. It is to be noted that in the impugned order dated 7.7.2017 authority specifically recorded that respondent no.1 placed on record receipt dated 1.3.2017 bearing no.48 showing that he paid Societies loan of Rs.7,706. Thereafter, he withdrew sum of Rs.17,100 on 6.3.2017 towards loan. To that effect, he has placed on record copy of statement.

6 Considering these facts that respondent no.1 deposited sum of Rs.7,706/- on 1.3.2017 and took loan of Rs.17,100/- on 6.3.2017, it cannot be declared that respondent no.1 is a defaulter. I do not find any substance in the present petition.

7 Hence, Writ Petition stands rejected.

(K.K.TATED, J.)