

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2705 OF 2018**

**Kirtikumar Ranchhodji Desai
Vs.**

..Petitioner

Anant D Bomble & Ors

..Respondents

Mr. Joy Deb Saha for the Petitioner

Mr. Manish Upadhyay AGP for the Respondent Nos.2 and 3

**CORAM :R. M. SAVANT, &
REVATI MOHITE DERE,JJ
DATE : 16th AUGUST, 2018**

P.C.

1 Not on board. Mentioned for urgent reliefs.

2 The above Petition has been moved on the anvil of the voting taking place in respect of the elections to the Managing Committee of the Respondent No.5 society. The said voting is to take place on Sunday i.e. 19th August, 2018.

3 The Learned Counsel for the Petitioner seeks to raise submissions as regards the entitlement of the Respondent No.4 to participate in the said elections. The Learned Counsel however draws our attention to the order dated 23-7-2018 passed by a Learned Single Judge of this Court in Writ Petition No.3268 of 2018 which Writ Petition was filed by the Respondent No.4 herein against the order passed by the Divisional Joint Registrar upholding the order passed by the Deputy Registrar disqualifying the

Respondent No.4 from participating in the said elections. By the said order the Learned Single Judge has granted interim reliefs in terms of prayer clauses (b) and (c) thereby staying the effect of the order passed by the Divisional Joint Registrar.

4 Having regard to the said fact as also having regard to the fact that what remains in the election process is only the voting which is to take place on 19-8-2018, we do not deem this is a fit case to exercise our writ jurisdiction. The Writ Petition is accordingly dismissed.

5 However, it would be open for the Petitioner to invoke the remedy by way of challenging the election of the Respondent No.4, if the occasion so arises in future by taking appropriate recourse in law.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Meera
Mahesh
Jadhav
Digitally
signed by
Meera
Mahesh
Jadhav
Date:
2018.08.16
14:40:12
+0530