

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14415 OF 2018

Ad. Raosaheb Shivajirao Deshmukh .. **Petitioner**

Versus

The Returning Officer,
Nanded District Court Bar Association,
Nanded and others .. **Respondents**

Mr. Sachin Deshmukh h/f. Mr. Someshwar M. Mundik
and Mr. D. M. Shinde, Advocates for the
Petitioner.

Mr. P. R. Katneshwarkar, Advocate for Respondent
No. 1.

Mr. Vinayak M. Kagne, Advocate for Respondent No.
2.

Mr. N. B. Khandare, Advocate for Respondent No. 3.

WITH

CIVIL APPLICATION STAMP NO. 570 OF 2019

CIVIL APPLICATION STAMP NO. 573 OF 2019

CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 8th JANUARY, 2019

PER COURT :

1. We have heard Mr. Deshmukh, learned counsel
for the petitioner, Mr. Katneshwarkar and Mr.

Kagne, Advocates for the respondents.

2. After hearing the respective counsels it appears that the focal point of the dispute is the list of members submitted by the petitioner is not included in the voters list.

3. According to the learned counsel for the petitioner, it was erroneous on the part of the respondent to seek photographs from the individual members and for re-verification of membership. As per the list submitted by the petitioner all the members therein had paid the subscription of the Association and as such became the valid members.

4. According to the learned counsel for the respondent, the subscription of those members of which the list was submitted by the petitioner is not received by the Association and it was with the view to verify that these persons are the genuine members of the Bar Association, Nanded and are not members of other Bar Association. The Resolution was passed regarding verification of

the membership, so also, the safety measures were introduced i.e. to take the photographs.

5. The elections are scheduled on 15.01.2019. The list of contesting candidate is also published.

6. There are rival contentions about payment of fees by the persons in the list submitted by the petitioner, as per the objection raised by the petitioner on 15.12.2018 (*Page No. 205, Exhibit R-3*), it would not be fruitful to go into the various aspects of the matter as we are not inclined to stall the elections. However, those persons who are rightful members of the Bar Association also should not be deprived of their right to vote. In view of that, we pass the following order.

7. The individual persons who claim to be the members of the Bar Association and are left out from the voters list shall produce the receipts of the subscription paid by them to the Bar

Association so as not to term them as defaulters. So also, those persons interested to get their names included in the voters list shall also file affidavit / undertaking that save and except the Bar Association of Nanded they are not members of any other Bar Association, so that the same in tune with the one Bar one vote. The same shall be done by tomorrow i.e. 09.01.2019 and the decision shall be taken by the Returning Officer upon the same by 10.01.2019.

8. It is made clear that we have not taken into consideration other contentions. If any dispute arises with regard to the elections that would be undertaken, the petitioner has remedy available. The petitioner may raise his contention before the Charity Commissioner with regard to the election as may be permissible.

9. The writ petition is disposed of. No costs.

10. In view of disposal of the writ petition, the civil applications are also disposed of.

11. Authenticate copy of this order be provided.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]
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