

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

23 CIVIL APPLICATION NO.5705 OF 2020
IN WP/5824/2019 WITH CA/13803/2019 IN WP/5824/2019

**KISHOR OMPRAKASH TIWARI AND OTHERS
VERSUS
RITESH KACHRULAL KAMAD AND OTHERS**

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Advocate for Applicants : Mr. Salgar Suresh P.
Advocate for Respondent No. 1 : Mr. Ankush Nagargoje
A.G.P. for Respondents/State : Mrs. V.S. Choudhary.

CORAM : MANGESH S. PATIL, J.

DATE : 14/09/2020

PER COURT :

Heard both the sides for a while. The applicants who are directors of a Co-Operative Society are questioning the right of the petitioner in the Writ Petition to function as a Director, since it has been struck down by the Divisional Joint Registrar by his order dated 08.05.2019. The applicants are making grievance that behind their back the petitioner has obtained an ad-interim relief which is in operation till date. Taking advantage of such interim relief now he is bent upon to cast his vote in a No Confidence motion to be moved tomorrow pursuant to Section 73-ID of the Maharashtra Co-Operative Societies Act. The request is now being made by the applicants to restrain him from casting vote in the meeting to be held tomorrow.

2. The record reveals that the interim relief is in operation in favour of the petitioner who is the respondent No. 1 in the present application for last more than 14 months. It is in view of such state of affairs when there is no time to decide the Writ Petition finally, it would be appropriate that the decision/outcome of tomorrows' meeting is declared as subject to the

ultimate decision of the Writ Petition.

3. Accordingly, the application is disposed of. Any decision to be taken tomorrow allowing the petitioner in the Writ Petition to cast vote would be subject to the final outcome of the Writ Petition.

4. Learned A.G.P shall communicate this order to the concerned immediately.

5. Hearing of the Writ Petition is expedited. Stand over to 28.09.2020.

(MANGESH S. PATIL, J.)

mkd