

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 6401 OF 2019

Mohan Uttamrao Ingle and others

Vs.

District Deputy Registrar, Co.Op. Society, Amravati

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

None for petitioner
Mr. S.M.Ghodeswar, AGP for respondent

CORAM :- AVINASH G. GHAROTE, J.

DATED :- 08.03.2021

None for petitioner.

Mr. Ghodeswar, learned AGP appearing for respondent submits that u/s 45(1) of the A.P.M.C Act, 1963, there is no provision made permitting a party to lead evidence and therefore, the action on part of the respondent, as impugned, is correct.

A perusal of the provision as contained in Section 45(1) of the A.P.M.C. Act, 1963, indicates that what is provided is an opportunity of rendering an explanation and nothing else, which explanation has to be considered before passing an order of super-session. The impugned order categorically records this position while rejecting the request of the petitioners for examining as many as 24 witnesses, which in absence of any such requirement in

Section 45(1) of A.P.M.C. Act has rightly been disallowed. There is no fault in the impugned order passed by the respondent.

The petition, therefore, being without any merits, is hereby dismissed.

JUDGE

Rvjalit

**Rajesh
Jalit**
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