

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

30 WRIT PETITION NO.5893 OF 2022

BALASAHEB SADASHIV INGALE
VERSUS
RAMDHAN UTTAM INGALE AND OTHERS

...

Advocate for Petitioner : Mr. V.D. Salunke
AGP for Respondents 2 & 3 : Mr. V. H. Dighe

...

CORAM : MANGESH S. PATIL, J.
DATED : 13/06/2022.

PER COURT :

The petitioner is objecting to the decision of the Returning Officer accepting nomination of respondent No. 1. He claimed that respondent No. 1 was disqualified in view of provisions of section 73 CA, being a defaulter of the Credit Co-operative Society.

2. Going by the papers, it appears that the question whether respondent No. 1 indeed had incurred such a disqualification is a disputed question of fact inasmuch as he seems to have produced no dues certificate of the concerned Branch Manager of the Society, whereas the prosecution against him under section 138 of Negotiable Instruments Act still continues.

3. Be that as it may, the election process is at an advanced stage and in the facts and circumstances, the writ petition is dismissed with liberty to the petitioner to avail appropriate remedy on appropriate occasion.

[MANGESH S. PATIL, J.]

ssc/