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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9015 OF 2022

Ravikiran Chandrakant Joshi ..Petitioner

Versus

Kamatekar Shekhar Vitthal and Anr. ..Respondents

**WITH
WRIT PETITION NO.9018 OF 2022**

Ravikiran Chandrakant Joshi ..Petitioner

Versus

Mrs. Bhalekar Purnima Sameer & Anr. ..Respondents

**WITH
WRIT PETITION NO.9019 OF 2022**

Ravikiran Chandrakant Joshi ..Petitioner

Versus

Mr. Shirke Ramdas Janardhan & Anr. ..Respondents

**WITH
WRIT PETITION NO.9016 OF 2022**

Ravikiran Chandrakant Joshi ..Petitioner

Versus

Mr. Boricha Bipin Arvind & Anr. ..Respondents

**WITH
WRIT PETITION NO.9017 OF 2022**

Ravikiran Chandrakant Joshi	..Petitioner
Versus	
Mrs. Patankar Anita & Anr.	..Respondents

Mr. Ashutosh M. Kulkarni, i/by Akshay P. Shinde for the Petitioners.
Mr. M. J. Patankar, for Respondent No.1 in all the above Petitions.
Mr. P. P. Kakade, Government Pleader a/w Mr. S. H. Kankal AGP, for Respondent No.2.

CORAM : NITIN W. SAMBRE, J.

DATE : 27th JULY, 2022

PC.

1] All these Petitions can be conveniently disposed of by this common order as the issue involved therein is identical.

2] Impugned in all these Petitions is an order of the Appellate Authority whereby order of rejection of nomination form passed by the Returning Officer came to be set aside and nomination form of Respondent No.1 is directed to be accepted.

3] I have heard Mr. Kulkarni, learned Counsel for the Petitioners who has drawn support from the judgment of this court in the matter of *Avinash Chandra Jolly vs. J.A. Nikam* with connected matters reported in **2018 SCC Online Bom 8593**. According to him, the member, if without permission of the Society,

let out the property, such person incurs disqualification under the bye-laws. He would urge that the said issue is no more *res integra* in view of the judgment referred to above.

4] There appears to be substance in the submission of Mr Kulkarni. However, Mr. Kakade learned in-charge Government Pleader has invited attention of this Court to the stage at which election programme has reached. Fact remains that publication of the final list of validly nominated candidate is already over. As such, only stage is that of voting. In that view of the matter, election programme has already progressed at much advanced stage and it will be inappropriate for this Court to cause interference under extraordinary jurisdiction in election process.

5] In view of above, Petition stands disposed of. However, Petitioners are at liberty to file election dispute post election, questioning election of the returned candidates on the aforesaid count.

[NITIN W. SAMBRE, J.]