



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12433 OF 2024

Uday V. Kini

...Petitioner.

Versus

Vinod L. Sonawane and Others.

...Respondents.

Mr. V. M. Vagela for the Petitioner.

Mr. Ramesh D. Kamble for the Respondent Nos. 3, 6, 7, 9 and 10.

Mr. P. V. Nelson Rajan, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : September 9, 2024.

P. C. :

1. Heard.
2. By this petition, the challenge is to the judgment and order dated 26th July 2024 passed by the Co-operative Appellate Court dismissing the appeal and upholding the order passed by the trial Court in Dispute No. 73 of 2024.
3. the Petitioner had challenged the order of trial Court rejecting the application for interim relief under Exhibit-5 filed in original Dispute Application. The dispute is in respect of the election of the Respondent No. 2 society and the ballot papers were sealed in the cover. The application inter alia sought a relief to take charge of the sealed cover of the ballot papers by the Court to calculate the votes.

The application came to be rejected as against which the appeal also came to be rejected.

4. Considering that the whole dispute pertains to the votes received by the disputants and which are sealed by the Returning Officer and considering the nature of dispute, it is necessary to preserve the sealed cover.

5. Issue notice to the Respondents returnable on **7th October, 2024**. In addition to Court notice, advocate for the Petitioner to serve the Respondents by private notice by all possible modes of service and file affidavit of service before the next date.

6. Advocate Mr. Kamble waives notice on behalf of the Respondent Nos. 3, 6, 7, 9 and 10.

7. Till the next date, the trial Court is directed to preserve the sealed cover of the election record which is at Exhibit 6 in the Dispute before the trial Court.

[Sharmila U. Deshmukh, J.]