

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST.) NO.22016 OF 2025
IN
WRIT PETITION NO.5926 OF 2025

Girish Chattukutty Nair & Ors. ... Applicants
V/s.
The State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.9268 OF 2025
IN
WRIT PETITION NO.5926 OF 2025

Chitra Santosh Achrekar ... Applicant
In the matter between
Girish Chattukutty Nair & Ors. ... Petitioners
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Hemant Ghadigaonkar for the applicant.

Mr. Nikhil Patil for respondent No.4.

Ms. Vrishali Raje, AGP for the State.

Mr. Prashant S. Kokare for respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : JULY 29, 2025

P.C.:

INTERIM APPLICATION (ST.) NO.22016 OF 2025

1. The present application is filed by the applicant seeking a limited clarification in respect of certain observations made in paragraph No. 2 of the order dated 5th May 2025 passed in Writ

Petition No. 5926 of 2025.

2. Learned advocate appearing for the applicant submitted that the factual matrix as recorded in paragraph No. 2 of the said order does not correctly reflect the sequence of events. It is pointed out that the elections of the concerned societies were duly held on 14th July 2024 and the results thereof were declared on 15th July 2024. Thereafter, the order disqualifying the Managing Committee members under Section 78A of the Maharashtra Cooperative Societies Act, 1960 came to be passed on 29th October 2024. In this backdrop, it is submitted that the observation in paragraph No. 2 of the order dated 5th May 2025 stating that “Despite such disqualification, these three members have not only contested the subsequent elections but have also continued to participate in the affairs of the society” is not factually correct, as the elections and subsequent participation had taken place prior to the disqualification.

3. Having considered the aforesaid submissions and on careful perusal of the relevant dates and records, this Court is satisfied that the factual assertion made in paragraph No. 2 of the order dated 5th May 2025 requires modification. Accordingly, the portion of the sentence reading “Despite such disqualification, these three members have not only contested the subsequent elections but have also continued to participate in the affairs of the society” stands deleted and is substituted with the following sentence: “The order of disqualification was passed on 29th October 2024 and three members have continued to participate in the affairs of the society.”

4. Consequently, the order dated 5th May 2025 passed in Writ Petition No. 5926 of 2025 shall stand modified to the above extent. The corrected order shall be uploaded as Order No. 2 on the official record.

5. In view of the above clarification and modification, both the interim applications stand disposed of accordingly. No further orders are necessary.

(AMIT BORKAR, J.)