

In the Court of Judge, Co-operative Court Thane at Thane
(Presided over by Smt. B. P. Jadhav, Judge)

Dispute No. CCT 109/2022
CNR No. MHCO04-000123-2022

Mr. Asif Abdul Karim Pochi and others

Disputants

V/S

Mr. Raju Patnekar Returning Officer
and others

Opponents

Order below application Exh. 23
(Declared on 18/11/2024)

1. The present application is filed by the disputant for direction to the opponent No. 1 Returning Officer and opponent No. 10 to produce on record the copies of the election records and further directed to supply the copies thereof to disputants.

2. The disputant submitted that they have filed present election dispute thereby challenging election process as well as election result declared by opponent No.1 returning officer on 24/04/2022 for election of opponent No. 10 society. The opponent No.1 returning officer appeared personally as well as other opponents are appeared through Advocate.

3. It is contended that the issues are framed and the matter is kept for filing of evidence of disputants. The disputant challenged the election process and election result of society on various grounds including one of the ground of wrong counting of votes. The opponent No.1 returning officer had wrongly counted votes of disputants upon ballot papers due to which the disputant No. 1 to 3 defeated in election and disputant No. 4 to 6 got less votes then the actual casted votes. The disputants had raised objection at the time of actual counting, but returning officer did not considered the same.

4. It is contended that as on today, entire original election

records are in the custody of either opponent No.1 returning officer or with opponent No. 10 society. The disputants are not having copies of election records/papers upon which disputants are relying. The disputants are not able to file evidence affidavit and documentary proof in support thereof due to non availability of election records. Hence it is necessary to direct to the opponent No.1 and 10 to produce and supply the copies of following election records to disputants. (a) election schedule/program, (b) provisional list of voters, (c) final list of voters, (d) all nomination forms, (e) scrutiny report of nomination forms, (f) reports of rejection of nominatins, (g) nomination withdrawal applications, (h) symbols allocation sheet/list, (i) list/s of contesting candidates, (j) final valid list/s of contesting candidates, (k) all ballet papers (including rejected, allowed, counted, not counted), (l) calculation of ballet papers – Form E-15, (m) election result sheet of all categories candidates showing their votes – Form No. E-16 and E-17, (n) letters/complaints/objections raised during election process.

5. It is contended that the disputants through their advocate has given notice in writing to the opponent No.1 Returning Officer and secretary to the opponent No. 10 society thereby calling and intimating them to produce the aforesaid election records on the record of this Court and further called them to supply the copies of aforesaid election records to disputants. The disputants are willing to file evidence affidavit along with documentary proof and and when they will receive the copies of aforesaid election records.

6. The opponents failed to file reply to the present application.

7. After hearing the disputants and perusing the documents

on record following points arise for my consideration.

Sr. No.	Points	Findings
1	Whether the application is entitled to be allowed ?	In the affirmative
2	What order ?	As per final order

REASONING

AS TO POINT NO. 1 AND 2

8. Perused application, proceeding and after hearing the disputant it seen that the dispute is about election challenged by the disputant on various grounds. Admittedly the documents in respect of the election held are with the opponent No.1 Returning Officer. It is also an admitted position that most of the documents demanded by the disputants have provided by the opponent No.1 Returning Officer. However some nomination forms are yet to be provided for which this application is filed. Admittedly to decide the election dispute these documents are required and hence in the interest of justice, to decide the dispute effectively the opponent No.1 Returning Officer needs to be directed to produce the documents prayed in this application. Hence in view of the above discussion and in the interest of justice I answer point no.1 in the affirmative and in answer to point no.2 I proceed to pass the following order.

Order

1. Application at Exh.23 is allowed.
2. The opponent No. 1 Returning Officer is directed to provide the documents as prayed for by the disputants.

Sd/-

Place : Thane
Date : 18 / 11 / 2024

(Smt. B. P. Jadhav)
Judge
Co-operative Court, Thane