

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. 26
(Declared on 15/07/2025)

1. The present application is filed by the disputant for direction to the opponent No. 1 Returning Officer and opponent No. 10 society and its office bearers to produce the originals of the documents mentioned in the present application which are in their custody for verification and exhibiting purpose or in alternate, to direct the opponent No.1 Returning Officer and opponent No. 10 society and its office bearers to admit the copies of the documents mentioned in the application by making written endorsement upon the list of documents filed by disputants along with evidence affidavit on 26/11/2024 and to produce and verify the original documents at serial No. 2, 3, 6, 14 from the office of this Court for exhibiting purpose.

2. The disputant submitted that they have filed evidence affidavit along with list of documents in present election dispute on 26/11/2024 and matter is kept for further hearing/admission denial by opponents. The disputants filed xerox of the documents mentioned in the present application out of which original documents at serial No. 1 and 13 are in custody of society and its office bearers and documents at serial No. 4, 5, 6, 7, 8, 9, 10, 11, 12 are in the

custody of Returning Officer and documents at serial No. 2, 3, 6, 14 are in custody of disputants.

3. It is contended that the disputants through Advocate is giving notice under section 64 of Bharatiya Saksha Adhiniyam 2023 to the opponent Returning Officer, society and its secretary through this Court for production of original of the documents mentioned in the application which are in their custody for verification purpose, so that this Court will enable to exhibit the copies of documents filed by disputants along with evidence affidavit. The disputants are ready to produce the original documents at serial No. 2, 3, 6, 14 which are in their custody for verification and exhibiting purpose.

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

5. 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

6. 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 and opponent No. 10 society. 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

and opponent No. 10 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.26 is allowed.
2. The opponent No. 1 Returning Officer and opponent No. 10 society is directed to provide the documents as prayed for by the disputants.

Place : Thane
Date : 15 / 07 / 2025

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