

IN THE COURT OF CO-OPERATIVE COURT, NANDED

(Before Shri. B.S.lakhote, Judge)

Gajanan Nagorao Pandagale

VERSUS

Manohar Vishwanath Bhosikar

ORDER BELOW EX.44

1. The disputant filed application to provide the copy of rejected ballot paper to him by returning officer. The contention of disputant that disputant was requested to the Returning officer to provided the copy of ballot paper rejected during counting and therefore it is necessary to called the copy or rejected ballot paper to lead the further evidence.

2. In reply the opponent no. 1 submitted that the application is already rejected by this court at Ex. 3 therefore the application is not tenable and liable to rejected. The disputant request to called the rejected ballot paper, is already rejected by Returning officer and there is no pleading of disputant in this regard in the dispute therefore application is liable to rejected.

3. In order to determine the point raised by the disputant in the application in regard of calling the rejection of ballot paper, firstly it is required to see whether such rejected ballot paper are relevant to the subject matter of dispute. The disputant filed dispute thereby challenged the election of opponent society declared on 05/05/2023 by opponent no. 2 and further claim the relief that said ballot paper reveal that concern voter has not voted on the said balance, despite of that the opponent no. 2 has counted said vote

in favor of opponent no. 1. The disputant in the pleading stated that he was taken the objection but his application was rejected. The document to that effect are also filed on record.

4. The disputant in the matter led the evidence and they opponent no. 1 counsel cross the examine to the disputant and when the matter fixed for further evidence, the disputant by way of this application called the rejected ballot paper to lead the further evidence. It appeared from the pleading and it is admitted fact that disputant and opponent were got same votes and therefore opponent no. 2 draw Ishwar Chitti in which the opponent no. 1 elected. The disputant in the disputed the counting of ballot paper as it is contention of disputant that there is no mark of voting of said ballot paper and it should not be counted in favor of opponent no. 1.

5. It is fact that the disputant was taken written objection while counting votes before Returning officer which was rejected, the copy there of is on record. The disputant has right to called the ballot paper as the dispute is in regard of election matter and election is under challenged, though the Returning officer rejected his objection as per contention of opponent, but that doesn't means that the disputant cannot called the document of election. All these allegation of disputant indicate that disputant was objected to the ballot paper and therefore in such circumstances the ballot paper which has been rejected to call said ballot paper to decide the dispute on merit and to ascertain as to whether there is substance in the prayer of the disputant therefore considering the nature of dispute and the document so called being relevant, the following order is hereby passed.

ORDER

1. The application is hereby allowed.
2. The opponent no. 2 Returning officer directed to produced rejected ballot paper before this court.

Place: Nanded

Date : 13/03/2026

Judge

(B.S.Lakhote)

Co-operative court Nanded