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SLP(C)No. 21445 OF 2001

ITEM No.39

Court No. 3

SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.21445/2001  
(From the judgement and order dated 26/11/2001 in WP 5575/2001  
of The HIGH COURT OF BOMBAY)

KALAMMADEVI D.V.S.S. MARYADIT & ANR.

Petitioner (s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent (s)

( With Appln(s). for exemption from filing c/c of the impugned Judgment  
& exemption from filing O.T.permission to submit additional documents  
& for directions)

Date : 10/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. F.S.Nariman,Sr.Adv.  
M/s. M.L.Patil,Sunil Kr.Verma and  
Mr. Shivaji M. Jadhav,Advs

For Respondent (s) Mr. U.U. Lalit,Adv.  
Mr. Udai Umesh Lalit,Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....J.  
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We are not inclined to interfere with the impugned order, which substantially relates to the right to vote of those members where interim order of liquidation has been passed and no final order has been passed under section 103 of the Maharashtra Co-operative Societies Act. From a conspectus of the provisions of the Act, it is clear that the moment final order of liquidation is passed, then the members would vacate their offices. In that view of the matter in respect of those societies where final order of liquidation has been passed, the members thereto would not be entitled to vote in the election, and it will not be limited to only 38 societies, as mentioned in the order of the Division Bench of the Bombay High Court.

The Special Leave Petition is dismissed.

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(Y.P.Dhamija) (Suneet Bala Sharma)@@  
AA  
Court Master Court Master@@

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