

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8768 of 1998

with

CIVIL APPLICATIONS NOS.10100 OF 1998 & 10275 OF 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO
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SAVARKUNDLA TALUKA SAHAKARI KHARID VECHAN SANGH LTD.

Versus

BHAVNAGAR DISTRICT CO OP BANK LTD.

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Appearance:

Special Civil Application No.8768 of 1998 & Civil  
Application No.10100 of 1998:

MR SHIRISH JOSHI for Petitioners/applicants

MR KETAN A DAVE for Respondent No. 1

MS HANSA PUNANI, ld.AGP for respondent State and its  
functionaries.

MR JAYANT PATEL for Respondent No. 3

Civil Application No.10275 of 1998:

MR BM MANGUKIA for applicant

MR SHIRISH JOSHI for original petitioners.

MS HANSA PUNANI, ld.AGP for respondent State and its  
functionaries.

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CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 28/09/2001

ORAL JUDGEMENT

The petitioners in this petition have challenged the action of the respondents of not including the names of the petitioners in the Voters' List. The petitioners have, therefore, prayed for quashing and setting aside Annexure.B, with further prayer to include the names of the petitioners and other similarly situated Co-operative Societies in Savarkundla Taluka who have forwarded their resolutions to the first respondent Society in response to the notice Annexure.C, with yet another prayer not to hold the election of the Board of Directors of the first respondent Society till the aforesaid is done.

2. Learned Counsel appearing for the petitioners submits that he has no instructions in the matter from the petitioners. According to him, the new elections are also likely to take place in the near future. In this view of the matter, I am of the opinion that because of the lapse of time, the petitioners have lost interest in the matter. In any case, liberty was reserved to the petitioners to file election petition before the Tribunal. In this view of the matter, no useful purpose will be served to hear and decide the petition challenging the election dated 6.12.1998. The petition is accordingly rejected with liberty to challenge the election by way of election petition. Rule is discharged. Ad-interim relief stands vacated. No order as to costs.

3. In view of the order passed in the main petition, no orders are required to be passed in Civil Applications Nos.10100 of 1998 and 10275 of 1998. Both these Civil Applications are disposed of accordingly. Notice in Civil Application No.10100 of 1998 stands discharged.

28th Sept.2001 (K.R. Vyas, J.)  
Sreeram.