

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8919 OF 2013

Apsar Yasin Shaikh
Age: 28 years, Occu: Business,
R/o. Asthi, Tq. Asthi,
Dist. Beed.

...Petitioner

versus

1. The Election Officer,
Grampanchayat Asthi,
Tq. Asthi, Dist. Beed.
2. The Tahsildar,
Asthi, Tq. Asthi, Dist. Beed.
3. Kishor Hirachand Zarekar,
Age: Major, Occu: Agril,
4. Chhaya Deelip Nikalje,
Age: Major, Occu: Household.
5. Reshma Sharif Qureshi,
Age: Major, Occu: Household.
6. Shailesh Purushottam Sahashtabudhe,
Age: Major, Occu: Agril.
7. Savita Ashok Dhonde,
Age: Major, Occu: Household.
8. Anita Dadasaheb Garje,
Age: Major, Occu: Agril.
9. Bharat Dhondiram Murkute,
Age: Major, Occu: Agril.
10. Nirmala Manoj Survase,
Age: Major, Occu: Household.
11. Manjusha Girish Deshpande,
Age: Major, Occu: Household.
12. Vijay Suryabhan Sathe,
Age: Major, Occu: Agril.

13. Rijvan Haji Sayyad,
Age: Major, Occu: Agril.
14. Indubai Sopanrao Redekar,
Age: Major, Occu: Household.
15. Mahesh Dhondiba Dhonde,
Age: Major, Occu: Agril.
16. Mirza Rehan Beg Rauf Beg,
Age: Major, Occu: Agril.
17. Shaikh Shafer Amer,
Age: Major, Occu: Agril.

Respondent Nos. 3 to 17
R/o Asthi, Tq. Asthi, Dist. Beed.

...Respondents

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Mr. K. J. Suryawanshi, Advocate for petitioner.
Mr. A. A. Shelke, Advocate h/f Mr. P. D. Suryawanshi, Advocate for
respondent Nos. 3 to 17.
Mrs. B. B. Gunjal, A. G. P. for respondent/State.

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CORAM : N.W. SAMBRE, J.

DATED : 7TH JANUARY, 2015

PER COURT :

. In an Election Petition, the applications Exhibits-118 and 120 came to be moved by election petitioner wherein, election petitioner has prayed for issuance of summons to the witness i.e. Tahsildar/Election Officer for establishing the number of voters and voting took place in the election of Grampanchayat.

2. Perusal of both the applications reflects that the petitioner has indulged into mathematical calculations so as to

demonstrate before the Court that there is discrepancy in total number of voters and actual voting.

3. The cause cited in both the applications, if tested, in the light of pleadings in the Election Petition, it is noticed that there are no specific pleadings to that effect in the Election Petition.

4. By the order impugned, Civil Judge, Junior Division, Ashti has rejected the application for issuance of witness summons to the Tahsildar/Election Officer.

5. The proposition that there has to be specific pleadings qua ground to be established for the purpose of setting aside the election in the Election Petition, is a settled position in law. Having considered the point raised in the applications Exhibit-118 and 120, the inference drawn by learned trial Court that summoning witness i.e. Returning Officer for the purpose of cause cited in both the applications, will amount to granting recounting in absence of prayer thereto in main petition, is just and proper. No illegality is noticed in the impugned order. As such, writ petition stands dismissed.

[N.W. SAMBRE, J.]