

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9636 OF 2015

Prafull Govind Patil	..	Petitioner
VS.		
Mahesh Kanti Dhangar	..	Respondent

Mr. S. S. Redekar for Petitioner.
Mr. Vishal Kanade with Mr. S. Gawade for Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE: 29 OCTOBER 2015

P.C. :-

1] Rule. Rule is made returnable forthwith with the consent of
and at the request of the learned counsel for the parties.

2] The challenge in this petition is to the order dated 14 July
2015, by which the Civil Judge, Senior Division at Vasai has
condoned delay of 18 days in filing an election petition.

3] The issue raised before me is not whether there is any power
to condone delay, but the issue raised is that the impugned order
was made without afford of any opportunity of hearing to the
Petitioner i.e. the returned candidate. The record, indeed makes it
clear that no notice was issued to the Petitioner before the
impugned order was made. Before making an order of this nature,

it was necessary to notice the returned candidate and afford the returned candidate opportunity of hearing. On this short ground, the impugned order dated 14 July 2015 is set aside.

4] The Civil Judge, Senior Division at Vasai to reconsider the application seeking condonation of delay after afford of opportunity to the Petitioner.

5] All contentions of all parties are left open for decision by the Civil Judge, Senior Division at Vasai. The Civil Judge should endeavour to dispose of the application for condonation of delay as expeditiously as possible and in any case within a period of eight weeks from today. In the meanwhile the Petitioner shall be at liberty to file his reply to the application for condonation of delay. Such reply to be filed within a period of three weeks from today. Rejoinder, if any, to be filed within a period of one week thereafter.

6] Rule is made absolute accordingly.

7] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)