

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1246 OF 2014

Ashok Satyavan Ijgude	...Petitioner
versus	
Milind Jeevandhar Doshi	
and Others	...Respondents

Mr. Amit Borkar, for the Petitioner.
Mr. Nitin Rajguru, for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 20TH FEBRUARY 2015

P.C. :-

. This petition is directed against the order dated 17th September, 2013 made by the District Judge at Baramati dismissing the petitioner's (original respondent) application seeking leave to amend the written statement in the pending election petition.

2. In this election petition, the respondent i.e. original petitioner had already made reference to Dr. Rajesh Kokare, as being a doctor who had

issued certificate with regard to the birth of third child of the respondent. The election petition was filed some time in the year 2012. The petitioner herein filed a written statement but no comments were offered in so far as the said doctor is concerned. Ultimately Dr. Kokare was examined as a witness in the proceeding. Upon the conclusion of the evidence of the respondent, the petitioner herein applied for recall of Dr. Kokare. This was not allowed by the election Court. The decision of the election Court was upheld by this Court by order dated 30th August, 2013. One of the reasons why such recall was not permitted was, that the petitioner herein had never pleaded about the alleged close relationship between said Dr. Kokare and the respondent's brother.

3. Therefore, the petitioner took out motion for amendment of the written statement to place on record the aforesaid circumstance. By the impugned order dated 17th September, 2013 the election Court has declined leave to amend.

4. Upon hearing the learned counsel and perusing the record, there is no reason to interfere with the impugned order. In the first place, there is no satisfactory explanation as to why this position was not pleaded in the written statement initially filed. Secondly, there is no explanation as to why such questions were not put to Dr. Kokare during the course of his cross examination. Thirdly, such amendment is not at all necessary, because the petitioner is yet to lead his own evidence.

5. This is a election petition, and the same is required to be disposed of expeditiously. Accordingly, the election Court has correctly exercised discretion in not granting leave to amend at this stage. There is neither any jurisdictional error nor any perversity in the approach of the election Court.

6. For all the aforesaid reasons, no case is made out for interference with the impugned order.

Petition is dismissed. There shall be no order as to cost.

(M. S. SONAK, J.)

Vishal