

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**ELECTION PETITION (L) NO.1157 OF 2014
WITH
APPLICATION IN ELECTION PETITION (L) NO.13 OF 2014
IN
ELECTION PETITION (L) NO.1157 OF 2014**

Mohd.Mobin Islam ... **Petitioner/Applicant.**

V/s.

Khan Md. Arif Lalan & Anr. ... **Respondents**

.....

Mr.Harshad Bhadbhade with Mr.Rakesh Singh i/b.K.R.Tiwari &
Co., Advocate for the Petitioner.

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CORAM : ABHAY M. THIPSAY J.

DATED : 13TH MARCH 2015

P.C.

1. Heard the learned counsel for the petitioner.
2. It is evident that deposit of amount as security for costs, in accordance with the provisions of Section 117 of the Representation of the People Act, has not been made.
3. That, the petition does not comply with the provisions of Section 117 of the said Act is not disputed before me.
4. The learned counsel for the petitioner also does not dispute that such a petition is liable to be dismissed in view of Section 86 of the Said Act.

5. The petitioner has, by making an application, prayed for '*condoning the delay in depositing the security cost*' and seeking permission to deposit the same. It is also well settled that the non-compliance with the provisions of Section 117 cannot be subsequently permitted to be rectified and that once such non-compliance is noticed, there would be no option but to dismiss such an Election Petition. In fact, that, the Court has power to now have the defect rectified, has not been even argued.

6. The petition - along with Application No.13 of 2014 - is dismissed.

(ABHAY M. THIPSAY J.)