

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO.1718 OF 2015
IN
ELECTION PETITION NO.8 OF 2014

Gajanan s/o Tukaram Butake, Chimur, Chandrapur
-vs-
Kirtikumar Mitesh Bhangdiya and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri M. R. Johrapurkar, Advocate for petitioner/applicant
Shri Anand Parchure, Advocate for respondent No.1.

CORAM : A.S.CHANDURKAR, J.
DATE : October 30, 2015

By this application, the petitioner seeks to amend the election petition and place on record averments that the interest of respondent No.1 in the Company namely MKS Acme-Build Private Limited continued despite his resignation on 02/08/2014. It is stated that the fact that the brother of respondent No.1 was inducted as additional Director on 25/02/2015 came to the knowledge of the petitioner when the Search Report was received after filing the election petition. It is stated that amendment is necessary to decide the prayers made in the election petition.

The application is opposed by the respondent No.1 on the ground that the respondent No.1 did not have any subsisting interest in the said Company though his brother was inducted on 25/02/2015.

After hearing respective counsel and after perusing judgment of the Supreme Court in ***AIR 1993 SC 212 Sewaram vs. Sobaran Singh***, the amendment as sought

deserves to be allowed. Accordingly, the application is allowed. Amendment be carried out within period of ten days from today. The respondents are at liberty to file their pleadings in response to amended paragraph 18-A of the election petition. The amended reply be filed by 23/11/2015.

Election petition be listed on **27/11/2015** for further consideration.

JUDGE