

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4467 OF 2016**

Leeladhar Laxman Patil

..Petitioner

Vs.

Anil Bansilal Sarda & Ors

..Respondents

Mr. P. D. Dalvi for the Petitioner

Mr. Kirit Hakani a/w Ms Niyati Hakani for the Respondent No.1

Mrs. V. S. Nimbalkar AGP for the Respondent No.4

CORAM : R. M. SAVANT, J.

DATE : 15th APRIL, 2016

P.C.

1 The order passed by the Appellate Authority setting aside the order of the Returning Officer rejecting the nomination of the Respondent No.1 and in turn directing the Returning Officer to accept the nomination of the Respondent No.1, is taken exception to by way of the above Petition.

2 The nomination of the Respondent No.1 was rejected on the ground that the proposer one Mr. Hardikar has not signed the nomination form though his name appears in the column of the proposer. It seems that the said Mr. Hardikar also filed his nomination form at the same time as the Petitioner. The Appellate Court was of the view that the Returning Officer ought to have pointed out the said defect to the Respondent No.1 as Mr. Hardikar was very much present before him and the said defect thereby could have been removed. The Appellate Authority therefore held that the said

defect cannot be said to be a substantial defect so as to reject the nomination of the Respondent No.1 and disallow him from contesting the elections. The final list of the contesting members is to be published today i.e. 15-4-2016 and the voting is to take place on 24-4-2016. Hence no case for interference in the Writ Jurisdiction of this court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]