

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

**Civil Application [CAO] No.1765 of 2016**  
**in**  
**Election Petition No.5 of 2014**

*(Kishor Uttamrao Gajbhiye*

*vs.*

*The Collector and District Election Officer, Nagpur and others)*

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

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*Court's or Judge's Orders*

*Shri R.S. Khobragade, Advocate for the Petitioner.  
Shri N.R. Patil, A.G.P. for Respondent No.3.*

**CORAM** : **S.B. SHUKRE, J.**  
**DATE** : **6<sup>th</sup> OCTOBER, 2016.**

Heard the learned Counsel for the petitioner and  
the learned A.G.P. for respondent No.3.

It is not in dispute that respondent No.3 - the  
Collector and District Election Officer is not the person named  
in Section 82 or Section 86(4) of the Representation of the  
Peoples' Act, 1951. Therefore, following the law laid down by  
the Hon'ble Apex Court in the cases of (i) **Jyoti Basu and  
others vs. Debi Ghosal and others – (1982) 1 SCC 691;** (ii)  
**Michael B. Fernandes vs. C.K. Jaffar Sharief and others –  
AIR 2002 SC 1041** and (iii) **B. Sundara Rami Reddy vs.  
Election Commission of India and others,** I am of the view  
that this application deserves to be allowed.

Accordingly, the application is allowed. The  
original respondent No.3 – the Collector and District Election

Officer be deleted as party-respondent from the array of the respondents. Amendment be carried out within a period of two weeks.

**Civil Application [CAO] No.880/2016 :**

Heard.

Having considered the ground taken in this application seeking speaking to the minutes, the ground that instead of the prayer for deleting the name of respondent No.3, the prayer was made for deleting the name of respondent No.4, the Returning Officer inadvertently, is no ground in the eyes of law for seeking clarification from the Court regarding the order passed and, therefore, the application stands rejected.

\*sdw

**JUDGE**

**C E R T I F I C A T E**

I certify that this order uploaded is a true and correct copy of the original signed order.

Uploaded by: S.D. Waghmare  
P.A. to the Hon'ble Judge.

Uploaded on : 07/10/2016