

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Smt. Pushpa Balraj Damargidda ...Petitioner
Vs.
Brihanmumbai Mahanagar Palika & Ors. ...Respondents

**CORAM : NARESH H. PATIL &
M.S. KARNIK, JJ.
DATED : 7TH FEBRUARY, 2017**

The Petitioner's nomination paper came to be rejected by order dated 4th February, 2017 by the Returning Officer for want of deposit of Rs.5000/-. Mr. Mogre appearing for the Petitioner submits that the Petitioner could not deposit the amount of Rs.5000/- as nobody was found in the said office, but the Petitioner had requested the officer of the Election Commission to accept the deposit amount of Rs.5000/-. The Petitioner was present in the Election Office on 3rd February, 2017 till 4.59 p.m.

2. Learned Counsel appearing for the Petitioner submits that in case of other candidates amount of deposit was accepted after the nomination papers were received.

3. Mr. Shetye supported the order of the Returning Officer.

4. We perused the record and the Rules. The election process is already set in motion. At this stage we are not inclined to exercise our writ jurisdiction. However, the Petitioner is at liberty to resort to appropriate statutory remedy after the election results are declared.

5. With the above observations the Petition is dismissed.

6. The Registry to forward copy of this order to the State Election Commission.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)