

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
(In Chambers)**

**ELECTION PETITION NO. 1 OF 2008
(i.e. APPLICATION)
IN
ELECTION PETITION NO. 2 OF 2004**

Babubhai Bhawanji	}	Petitioner
versus		
Shri. Jagannath Achanna	}	
Shetty and Ors.	}	Respondents

Mr. Bipin Joshi with Mr. P. B. Joshi for the petitioner.

Mr. Vaibhav A. Sugdare for respondent no. 1.

Ms. Uma Palsuledesai-AGP for respondent nos. 11 and 12.

CORAM :- S.C.DHARMADHIKARI, J.

DATED :- DECEMBER 8, 2017

P.C. :-

1. In terms of the office report and earlier orders, it is evident that a notice has been issued to the respondents. The report indicates that the notices issued to respondent nos. 2, 10 and 11 were returned with some remarks. However, respondent no. 11 is represented by Ms. Palsuledesai-learned AGP. He is the returning officer. As far as respondent nos. 2 and 10 are concerned, what I find is that the notice was also published in the Government Gazette dated 7th February, 2009. No application

has been received seeking to substitute any applicant in place of the present petitioner.

2. Evidently, the present petitioner is desirous of withdrawing the petition. Once the rules and the procedural requirements are complied with, the election petition is disposed of as withdrawn. However, the costs of respondent nos. 11 and 12, who have been appearing throughout, should be paid. The costs payable to respondent nos. 11 and 12 are quantified at Rs.5,000/- each. The costs be paid within a period of four weeks from the date of receipt of a copy of this order.

3. In terms of sections 109 and 110 of the Representation of Peoples Act, 1951, the required procedure having been completed, this election petition is disposed of.

(S.C.DHARMADHIKARI, J.)