

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICAITON IN EP NO. 20 OF 2018

RATNAKAR MANIKRAO GUTTE
VS.
MADHUSUDAN MANIKRAO KENDRE AND OTHERS

...
Mr. S.B. Yawalkar, Advocate for petitioner
Mr. P.D. Bachate, Advocate for respondent no.1
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 26-02-2018

ORDER :

1. Heard learned counsel Mr. Bachate for the original respondent no.1 in the election petition and Mr. Yawalkar, learned counsel for election petitioner.

2. Application - Exhibit 110 has been moved stating that respondent no. 1 has suffered an accident and he would not be in a position to give evidence and in order not to hamper the proceedings of election petition, the application for issuing witness summons to other witnesses be granted and examination of respondent no. 1 in election petition deferred till the other witnesses are examined.

3. Whereas in the say filed on behalf of election petitioner, it is submitted that respondent no.1 is physically and mentally fit

and is attending the court. It has further been referred to that the respondent no.1 had been before this court on last two dates. He has been attending various programs and functions at various places in Gangakhed constituency.

4. It is further being referred to in the say, the applicant does not make out any ground for consideration pursuant to Order XVIII Rule 3-A of the Code of Civil Procedure. The say has been filed along with photocopies of newspaper and media reports and it has further been referred to that original respondent no.1 is procrastinating the proceedings in the election petition and thus, it is requested to reject the application.

5. In reply to the say, original respondent no.1 purports to say that photocopies of respondent no. 1 undergoing medical treatment may be considered since original documents are required for further medical treatment and the contention on behalf of the election petitioner about respondent no.1 delivering speeches is denied. Further stating that respondent no.1 has delivered speech for only 1-1/2 minute and has been attending functions being a public representative.

6. Having regard to that respondent no.1 has been attending to certain functions and that he had been stated to have visited this court, it would not be expedient to accede to the request made under application - Exhibit 110. Application - Exhibit 110 is thus rejected.

7. At this stage, Mr. Bachate, learned counsel states that for examination of respondent no. 1 next date in the matter be kept on 06-03-2018.

8. Next date is 06-03-2018 for examination of respondent no.1.

9. Order on Application in Election Petition no. 20 of 2018 is deferred.

[SUNIL P. DESHMUKH]
JUDGE

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