

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1412 OF 2018

SUREKHA MUKUND DABHADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Karne G.J.h/f Shri Gilche
Duryodhan N.

AGP for Respondents 1 to 3 : Shri Badakh V.S.

Respondent No.4 : Deleted

Advocate for Respondent 5 : Shri Wagh Pradip K.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: March 09, 2018

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PER COURT :-

1. This matter was heard on 23.2.2018 and the following order was passed:-

"1. Learned AGP appears for 1 to 3. The petitioner seeks leave to delete respondent No.4. Deletion granted. Mr.Wagh, learned Advocate appears for respondent No.5.

2. The petitioner/elected representative states on an affidavit that though she has 3 children namely Abhijeet Mukund, Vishakha Mukund and Sneha Mukund born prior to 2001, Aniket Mukund born on 24/07/2006 is not her biological child and is the biological child of her husband Mukund begotten from a second wife by name Deepali who has left the house and

Mukund is not aware about her whereabouts.

3. Issue is as regards disqualification since the petitioner is held to be the mother of 4 children and Aniket is said to have been born on 24/07/2006.

4. A copy of the birth certificate produced by respondent No.5 caveator is marked as X1 for identification, which indicates the name of the mother as Surekha Mukund and the name of the child as Aniket. The petitioner has produced a copy of a another birth certificate which is practically identical to X1 except that the name of the mother is shown as Deepali @ Surekha Mukund. The said certificate is issued by the Deputy Registrar of Birth and Death, Municipal Corporation, Aurangabad, which is placed at page No.38 along with the affidavit of the petitioner.

5. The petitioner as well as her husband Mukund submit that as Deepali is missing, both of them will file an affidavit declaring that they are willing to undergo a DNA test along with Aniket who is about 12 years old.

6. On the request of the petitioner and by recording her statement alongwith her husband, who is present in the Court, the affidavit shall be filed on or before 03/03/2018. It is made clear that after the affidavit is filed and considering the consent of the petitioner and her husband, further direction for conducting a DNA test would be ordered.

7. *Until further orders, no interim relief."*

2. An additional affidavit has been filed by the petitioner, in which, the statement that was made in the Court as is recorded in paragraph 5, has been shrewdly not entered in the additional affidavit filed by the petitioner on 22.1.2018.

3. Learned counsel for the petitioner submits that the petitioner desires to withdraw this petition and retract from the challenge posed in this petition.

4. Considering the above, this petition is dismissed as withdrawn.

(RAVINDRA V. GHUGE, J.)

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