

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ELECTION PETITION NO.1 OF 2017

Ramnath Dada Mote)....Petitioner
V/s.

Balaram Dattatray Patil)....Respondent

Mr.Balkrishna D.Joshi a/w Ms.Anjali Helekar for petitioner.
Mr.C.G.Gavnekar i/by G.S.Hiranandi for respondent.

CORAM : K.R.SHRIRAM,J

DATE : 20.2.2018

P.C.:-

1 Issues were settled on 8.8.2017 and directions were passed for the parties to file their respective affidavit of documents, complete discovery and inspection, exchange statement of admission and denial and petitioner was directed to file list of witnesses, affidavit in lieu of examination in chief of the 1st witness together with compilation of documents and serve a copy thereof upon respondent by 3.10.2017.

2 On 20.11.2017 when the petition was taken up for hearing, the Court Associate informed that the compilation of documents filed by petitioner are photo copies, not paginated and without index. The counsel appearing for petitioner stated that petitioner had been discharged from hospital only the previous week and requested for 4 weeks time to file affidavit of evidence. Time was

granted. Mr.Joshi states that in the meanwhile, compilation of documents have been paginated and indexed. Petitioner was also directed to file and place with the compilation the English translation of all documents which are in Marathi language. That has not been complied with. The matter was then stood over to 22.1.2018 for marking of documents/receiving evidence on record and petitioner was directed to remain present in court.

3 On 22.1.2018 counsel for petitioner stated that despite repeated attempts, they are unable to receive any instructions from petitioner and they were informed that petitioner was confined to bed for quite some time. It was noted that petition cannot be kept pending for ever and at the request of the counsel for petitioner, matter was stood over by 4 weeks. It was also made clear that if directions that were passed on 8.8.2017 were not complied with, the court may dismiss the petition for want of prosecution. Petitioners' advocate was directed to send copy of the order to petitioner. Registry was also directed to forward a copy of this order to petitioner.

4 Mr.Joshi for petitioner states that the advocate has served petitioner a copy of the order. There is a service report filed in the records which states that the order has been served by the registry

upon petitioner. Mr.Joshi states that he has not received any further instructions from the petitioner.

5 In the circumstances, petition stands dismissed for non prosecution with no order as to costs.

(K.R.SHRIRAM,J)