

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 WRIT PETITION NO.4049 OF 2006

KAVERIBAI PARMESHWAR LOHAKARE AND ANR
VERSUS
SUBHADRABAI SHESHNARAYAN LOHAKARE AND ORS

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Advocate for Petitioners : Mr. R.S.Shinde
AGP for Respondents-State : Mr. S.K.Tambe
Advocate for Res.No.1 : Mr. A.V.Lavte h/f Mr. S.J.Salunke
Advocate for Res.No.2 : Mr. S.S.Wagh h/f Mr. S.T.Shelke.

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CORAM : V. K. JADHAV, J.
DATE : 27.11.2019

PER COURT :-

1. This Writ Petition pertains to the election of Village Panchayat Mouje Bori, Taluka Ambad, District Jalna of the year 2005. The petitioners got elected as a members by majority of votes and the present respondent No.1 came to be defeated. In consequence thereof, respondent No.1 herein had filed an Election Petition No.3 of 2005 before the learned Civil Judge Junior Division, Ambad under Section 15 of the Bombay Village Panchayat Act, 1958. During the course of the hearing of the said Election Petition through Court Commissioner, in presence of both the parties the votes were recounted. Even

though the Commissioner has submitted the report in favour of the petitioners, the learned Judge has partly allowed the Election Petition and therefore, this Writ Petition has been preferred.

2. It thus appears that due to efflux of time, this Writ Petition has become infructuous. Thrice the elections of the Village Panchayat thereafter came to be conducted and held. In view of the same, this Writ Petition is hereby dismissed as infructuous.

3. The learned counsel appearing for the petitioners has also not disputed this position.

4. Rule discharged.

5. Writ Petition is hereby dismissed as infructuous.

(V. K. JADHAV, J.)

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vmk/-