

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

APPLICATION ST.NO.26898 OF 2019
IN
ELECTION PETITION NO.8 OF 2019

ELECTION COMMISSION OF INDIA AND ANR
VS
SHAIKH NADIM SHAIKH RARIM AND ORS.

...
Mr.Alok Sharma, Adv. For Applicants;
Mr.SS Thombre, Adv. For Resp.No.1;
Mr.SK. Ashfaq Taher Patel, Adv. For Resp.No.3;
Mr. RN Jadhav, Adv. For Resp.Nos. 19 & 23.

CORAM : P.R. BORA, J.
DATED : 26nd August, 2019.

PER COURT:-

1. Learned counsel Shri Alok Sharma, appearing for the Election Commission of India and the Returning Officer, i.e. Respondent Nos. 1 and 2 in the present election petition, has tendered across the Bar the present application. The copies of the said application are served upon the learned counsel appearing for the petitioner, learned counsel appearing for the elected candidate and learned counsel for Respondent Nos.19 and 23.

2. By filing the present application, the applicants have prayed for allowing the Election Commission of India and the Returning Officer to

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remove the EVMs (Electronic Voting Machines), which have been used in the Loksabha election held, which is challenged in the present petition, from the strong room and use the said EVMs in the coming Assembly elections.

3. Learned Counsel Shri Thombre appearing for the petitioner, on instructions, submitted that the petitioner does not have any objection for allowing the application. The learned counsel Ashfak Pathan, appearing for the elected candidate, also on instructions, submitted that the said respondent also does not have any objection for allowing the application filed by the Election Commission of India. Similar submissions are made by learned counsel Shri R.N.Jadhav appearing for Respondent Nos. 19 and 23.

4. Though the other respondents are not present before the court, neither their counsel are present since they are not yet served, it does not appear to me that any say from their side may be required for considering the request made in the present application.

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5. Considering the nature of the request made in the application, the objection could have been only from the side of the petitioner, who has filed the present petition. As I noted herein above, the said petitioner has conceded for allowing the request.

6. In view of the above, following order is passed, -

ORDER

. The application is allowed in terms of prayer clause (B).

(P.R. BORA)
JUDGE

BDV