

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO.11895 OF 2018

SOMNATH SADASHIV KANKATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Shri Jadhav A.G. h/f Shri Sadaphule R.S.
AGP for Respondents: Shri Munde S.W.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 11, 2019
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PER COURT :-

1. This Court had permitted the petitioner to research as to whether a delay caused in filing an Election Petition under Section 21 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, can be condoned. The time provided by Section 21 for filing an Election Petition is 10 days from the date of the publication of election result in the Gazette and the delay caused is of 25 days.

2. Learned Advocate for the petitioner submits that there is no provision for condonation of delay. The learned AGP relies upon the judgment of the Honourable Apex Court dated 21.8.2018, delivered in Civil Appeal No.8337 of 2018, in the matter of Suman Devi Vs. Manisha Devi and others. It is concluded that when a particular Act is a

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complete Code for presentation of election petition and the statute mandates a particular period for preferring an election petition, the provision of Section 14 of the Limitation Act, 1963 would stand excluded. In the instant case, the period prescribed for preferring the election petition is of 10 days and there is no provision for condonation of delay.

3. As such, this petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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