

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12520 OF 2019

KALAPANA SANTOSH PATIL AND ANOTHER
VERSUS
LATA RANJIT BHOITE AND OTHERS

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Advocate for Petitioners : Shri Deshmukh Mahesh S.
Advocate for Respondents 4 & 5 : Shri Shendurnikar P.S.
h/f Shri Tripathi S.H.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: December 09, 2019

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PER COURT :-

1. Heard the learned Advocate for the petitioners.

1. The petitioners are the Election Petitioners in Election Petition No.1 of 2018. They are aggrieved by the order dated 29.8.2019, by which, application Exhibit 18 filed by the first respondent has been partly allowed and it is held that the results of the elections were declared on 3.8.2018 and the election petition should have been filed within ten days, which expire on 12.8.2018.

2. The learned Advocate for the petitioners relies upon the following judgments, in which this Court has held that the first date

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of reference has to be excluded while computing the stipulated period as is prescribed in law:-

- (i) Seema Ashok Kamble Vs. Collector,Pune and others - [2008 (3) Bom. C.R. 683] and
- (ii) Pandhari Shripat Patil Vs. State of Maharashtra and others - [2002 (5) Mh.L.J.171].

3. The learned Advocate, therefore, contends that the day 3.8.2018 will have to be excluded and the 10th day would be 13.8.2018 on which, the election petition was lodged.

4. I find that the issue involved is purely of calculating the number of days. The trial Court would be assisted by the above cited judgments.

5. Therefore, this petition is disposed off with a direction to the trial Court to decide the issue of limitation as expeditiously as possible and preferably on/or before 15.1.2020.

(RAVINDRA V. GHUGE, J.)

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