

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

WRIT PETITION NO.1877 OF 2020

SANDIPSINGH SHANKARSINGH GADIWALE
VERSUS
THE RETURNING OFFICER-1 NANDED WAGHALA CITY
MUNICIPAL CORPORATION AND OTHERS

...
Advocate for the Petitioner : Smt.Deshmukh Charuta Sunil and Shri
P.P.Dawalkar
...

CORAM: ROHIT B. DEO, J.

DATE : 05th February, 2020

Per Court:

1 The petitioner, who is an elected candidate, is challenging the order dated 19.12.2019 whereby, the Election Tribunal rejected the application for grant of permission to amend the Written Statement.

2 The Election Tribunal noted that the election petitioner stepped into the witness box on 15.04.2019 and is cross-examined by the original respondents 1 and 2. The present petitioner, who is the original respondent 3, avoided to cross-examine the election petitioner and instead, filed two applications including the application which is rejected by the order impugned. The Election Tribunal further noted that the Written Statement is filed on 15.11.2018 and that there is no justification for the delay in seeking amendment. The amended provisions of Order VI

Rule 17 of the Code of Civil Procedure are further noted by the Election Tribunal. It is further noted that the High Court directed that the election petition be decided on or before 31.12.2019 and in view of the conduct of the elected candidate, it has become difficult to adhere to the schedule.

3 The order impugned does not suffer from any infirmity particularly since the Election Tribunal has found that the law need not be pleaded and that the proposed amendment is based on Section 453 of the Maharashtra Municipal Corporations Act.

4 The Writ Petition is dismissed.

kps

(ROHIT B. DEO, J.)