

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO. 661 OF 2021 (FOR REVIEW)

IN
WRIT PETITION NO. 5245 OF 2021 (D)

Sunanda W/o Santosh Bahekar,
..VS..
State Election Commission, Mumbai and Ors.,

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Virat Mishra, Advocate with Kaustubh Deogade, Advocate for
petitioner.

Shri D. P. Thakare, Addl.G.P for respondent Nos.2 and 3.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : 14.12.2021

1. Heard.

2. Yesterday we had permitted the petitioner to withdraw the petition as it appeared to us then that it was a decision consciously taken by the petitioner but today, the petitioner is all regrets about the decision so taken and through his learned counsel he is before us pleading for recalling of the decision as the petitioner himself has retreated from the decision taken for withdrawal of the petition. The reason given by the petitioner is that at the time when decision was taken by him to withdraw the petition, the serious consequences of withdrawal of the petition had not been understood by him properly and he was made to understand them

subsequently and that after going through the provisions of law also, he felt satisfied that if no decision on merits of the matter, one way or the other, came in the petition, it would lead to serious consequences for the petitioner and may also mark his prospects and aspirations for getting elected as a member of Panchayat Samiti.

3. Considering these submissions, especially the one relating to a decision taken hastily without being conscious of further consequences of the decision, we find that it would be in the interest of justice that the review application is allowed and the order permitting the petitioner to withdraw the petition is recalled.

4. Accordingly, the review application is **allowed**.

5. The order passed on 13.12.2021 is hereby recalled.

6. It is directed that the Writ Petition No.5245 of 2021 be restored to the original file and be taken up for immediate hearing.

WRIT PETITION NO. 5245 OF 2021.

1. Heard.

2. Issue notice for final disposal at admission stage to the respondents.

3. Shri J. B. Kasat, learned Advocate waives service of notice for respondent No.1 and Shri D. P. Thakare, learned Addl.G.P. waives service of notice for respondent Nos.2 and 3.

4. Leave to amend the memo of petition is granted. Amendment be carried out forthwith and thereafter, notice be issued.
5. Hamdast is granted for service upon respondent No.4.

Stand over to **15.12.2021 at 02.30 pm.**

JUDGE

JUDGE

Kirtak