

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAW) NO. 880 OF 2022

IN

WRIT PETITION NO. 850 OF 2022(D)

(Shekhar Devidas Gawande ..vs.. State of Maharashtra, through its Secretary, Department of
Cooperation, Mumbai and others)

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

Court's or Judge's orders

Mr. S.J. Kadu, Counsel for the petitioner
Ms. T.H. Khan, AGP for respondents 1 and 2,
Mr. A.A. Dhawas, Counsel for respondent 5/applicant.

CORAM : ROHIT B. DEO, J.

DATED : 29-04-2022

This application is preferred seeking recall of the judgment dated 26-2-2022 rendered in Writ Petition 850/2022 whereby the order of the Election Officer of rejection of the nomination form submitted by the original respondent 5-Mr. Arun Trimbakrao Gawande, who is the applicant herein, is confirmed and the contrarian decision of the appellate authority is set aside.

2. Recall is sought on the ground that the name of the learned Counsel Mr. A.A. Dhawas, who filed Power on behalf of respondent 5-Mr. Arun Trimbakrao Gawande, was not reflected in the cause list. I would have ordinarily recall the judgment upon a satisfaction that Power or Vakalatnama was actually filed and not reflected in the cause list. However, I note that the election is already held on 01-3-2022. In this view of the

matter, I am disposing of the present application with the observation and liberty to respondent 5, that recourse may be taken to the statutory remedy of election petition and if such remedy is availed, the observations in my judgment dated 26-2-2022 in Writ Petition 850/2022 shall not come in the way of respondent 5-Arun Trimbakrao Gawande.

3. The application is disposed of.

JUDGE

adgokar