

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 7947 OF 2023**

Sakhubai Bajirao Nagane

...Petitioner

Versus

The State of Maharashtra Through its Secretary

Rural Development Department and ors.

...Respondents

.....

Mr. Nitin Gaware Patil for the Petitioner.

Ms. V. S. Nimbalkar, AGP for the State.

Ms. Aradhya Sarang S. a/w Ms. Gauri Velankar for Respondent No. 4.

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CORAM : N.R. BORKAR, J.

DATED : 18 JULY 2023

P.C. :-

This petition takes exception to the judgment and order dated 27 April 2023 passed by the Civil Judge Junior Division in Election Petition No. 5/2021.

2. The petitioner and respondent No. 4 had filed nomination forms in the election for the post of Member from ward No. 1 of Gram Panchayat Bhose. During scrutiny of nomination forms, the petitioner had filed objection to the nomination form of the respondent No. 4 alleging non-existence of toilet at the residential premises of the respondent No. 4. In support of said allegations, certificate issued by Gram Sevak at Exhibit- 44 was produced. The Returning Officer accepted the objection of the petitioner and consequently rejected the nomination form of the

respondent No. 4. As there was no other candidate, the petitioner was ultimately declared elected.

3. The respondent No. 4 after declaration of result had filed election petition, which came to be allowed by the impugned judgment and order.

4. The trial Court (Election Tribunal) on the basis of evidence on record has recorded the finding that the respondent No. 4 has proved her case of having toilet at her residential house. It appears from the impugned judgment and order that Gram Sevak admitted in his evidence that there is no record with the Gram Panchayat of issuing certificate at Exhibit- 44. He has admitted that the contents of certificate at Exhibit- 44 are false. It thus appears that forged certificate was produced by the petitioner, on the basis of which nomination form of the respondent No. 4 was rejected.

5. After going through the findings, when I showed my disinclination to entertain the present petition, the learned counsel for the petitioner submitted that record and proceeding of election petition be called. However, it is not shown that findings recorded by the trial Court are perverse. Petition is dismissed.

(N.R. BORKAR, J.)