

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ELECTION PETITION NO.14 OF 2019

Niharika Prakashchandra Khondaly ... Petitioner

V/s.

The Election Commission of India
& Ors. ... Respondents

WITH

MISCELLANEOUS APPLICATION (L) NO.4 OF 2019

IN

ELECTION PETITION NO.14 OF 2019

Manoj Kotak ... Applicant

V/s.

Niharika Prakashchandra Khondaly
& Ors. ... Respondents

None for the petitioner.

Ms. Drishti Shah for respondent nos.1 and 2.

Mr. Anish Khandekar for respondent no.3.

CORAM : AMIT BORKAR, J.

DATED : APRIL 24, 2023

PC.:

1. On the last occasion, this Court passed following order:

“1. Perusal of earlier orders indicate that the petitioner has consistently remained absent. This Court by order dated 7th February 2020 notified that the petitioner intends to withdraw the election petition. Thereafter, on 28th February 2020, none appeared for petitioner and, therefore, the matter is kept for dismissal.

2. Since the petitioner thereafter has remained absent, stand over to **24th April 2023**. To be shown under the caption **for dismissal.**”
2. Today, none appears for the petitioner. It appears that the petitioner is not interested in prosecuting the election petition.
3. The Apex Court in **P. Nalla Thampy Thera v. B.L. Shankar** reported in AIR 1984 SC 135 has laid down parameters for dismissal of Election Petition. On consideration of the conduct of the petitioner on earlier occasions, it appears that the petitioner is not interested in prosecuting the election petition.
4. The election petition, therefore, stands dismissed for non-prosecution. No costs.
5. In view of dismissal of the election petition, all interim/interlocutory applications stand disposed of.

(AMIT BORKAR, J.)