

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

CIVIL APPLICATION (CAO) NOS. 199/2021 AND 234/2021
IN
ELECTION PETITION (EP) NO. 15 OF 2019

DHANRAJ S/O. RAGHUNATH MUNGLE

...**VERSUS**...

THE CHIEF ELECTORAL OFFICER, MAHARASHTRA GENERAL ADMINISTRATIVE DEPARTMENT, MUMBAI
AND ORS.

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

Court's or Judge's order

Shri I.G. Meshram, Advocate for petitioner.
Ms. Neerja G. Chaubey, Advocate for respondent no. 1/applicant in CAO 199/2021.
Ms. Shamsi Haider, AGP for respondent nos. 2 and 3/applicants in CAO 234/2021.
Shri S.G. Singh, Advocate h/f. Shri S.P. Bhandarkar, Advocate for respondent no. 4.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 22nd FEBRUARY, 2023

Civil Application (CAO) No. 199/2021 is filed by respondent no. 1/applicant for deletion of name of respondent no. 1 from the array of respondents as he is not a necessary party.

2. Similarly, Civil Application (CAO) No. 234/2021 is filed by respondent nos. 2 and 3/applicants (The District Election Officer and Returning Officer respectively) for deletion of names of respondent nos. 2 and 3 from the array of respondents as they are also not the necessary party.

3. The learned counsel for respondent nos. 1, 2 and 3/ applicants relied on the citation in the case of ***Jyoti Basu and ors. V/s. Bebi Ghosal and ors. [(1982) 1 SCC 691]***, wherein the Hon'ble Apex Court held that in the Election Petition when the corrupt practice is

allowed, then only the 'candidates' expressly mentioned in Sections 82 and 86(4) of the Representation of the People Act, can be joined as respondents by the election petitioner and the non-candidates, even though against them corruption charges made in the petition, cannot be so joined. The relevant provisions of the Civil Procedure Code would apply subject to the provisions of Representation of the People Act, 1951.

4. The learned counsel for the petitioner though opposed both the applications, in view of the reasons mentioned in the applications, the applications are allowed and permission is granted to delete the names of respondent no. 1 as well as respondent nos. 2 and 3 from the array of respondents.

5. Accordingly, both the applications are disposed of.

ELECTION PETITION (EP) NO. 15 OF 2019

List the matter tomorrow i.e. 23/02/2023 at 02.30 p.m.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar