



(1)

912-EP-5-2025 Extension

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 ELECTION PETITION NO. 5 OF 2025

Raju Ramrao Shinde

VERSUS

Election Commission Of India Through Its Principal Secretary And
Others.

WITH

APPLICATION IN EP NO. 83 OF 2025
IN EP/5/2025

...

Mr. S. S. Thombre, Advocate for the Petitioner.

Mr. Alok Sharma, Senior Standing counsel for Respondent No.1.

Mr. V. V. Gujar, Advocate for Respondent No.9.

Mr. Mukul Kulkarni a/w Mr. Amol Ram Joshi, Advocate for Respondent
No.4.

CORAM : KISHORE C. SANT, J.

DATE : 16th JULY 2025

PC :-

1. This application is filed by Respondent No.4 for extension of time to file written statement. The same is taken record and marked as "EXHIBIT-15".

2. The application is heavily objected by the learned Advocate for the petitioner. He submits that the respondent No.4 is served on 18th February 2025. From the date of service of summons, period of 120 days

is over and no further extension can be granted.

3. The learned Advocate for the applicant-respondent No.4 relying on proviso to Order 8 Rule 1 provides that right of the defendant shall be forfeited to file written statement on expiry of 120 days from the date of service of summons. Learned Advocate further submits that he has presented the application Exh.16 for dismissal of the election petition for non removal of office objection on the grounds raised in the application. He seeks time to file written statement. In his submission, if the application seeking dismissal of the election commission is allowed and election petition is dismissed, there will be no question of filing written statement. It is on that ground, time is sought to file written statement.

4. It is seen from the report of the bailiff that the respondent No. 4 is served through his personal assistant namely, Vishal Rajput on 18th February 2025.

5. Considering that the period of 120 days is over from the date of service of summons, the application cannot be considered as the right of the respondent No.4 stands forfeited. Application therefore stands

rejected.

6. Place the main petition on board dated 7th August 2025 at 02:30 p.m.

[KISHORE C. SANT, J.]