

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

ELECTION PETITION NO. 15 OF 2025

Rohan Ramdas Satone

...Petitioner

V/s.

Union of India and Ors.

...Respondents

Mr. Ranjit Agashe with Ms. Vinsha Acharya and Mr. Sagar Shah i/b Mr. Aditya Sharma for the Petitioner.

CORAM : ABHAY AHUJA, J.
DATE : 20th JANUARY, 2025

PC. :

1. Mr. Agashe, learned Counsel appears for the Petitioner and at the outset seeks to delete the Respondents No. 2 to 4, submitting that the Election Commission of India and its officials need not be impleaded as party Respondents in view of the decision of the Hon'ble Supreme Court in the case of *Michael B. Fernandes Vs. C. K. Jaffer Sharief and Ors.*¹

2. Mr. Agashe tenders across the bar a similar order passed by another Bench of this Court viz. (Coram: Milind N. Jadhav, J.) on 15th January, 2025, in Election Petition No. 10 of 2025.

3. A perusal of the said order indicates that in view of the law settled by the Hon'ble Supreme Court that the Election Commission of

1 (2002) 3 SCC 521

India and its officials are not required to be impleaded as parties in an Election Petition, permission to delete the said authorities was granted.

4. Mr. Agashe, has also drawn this Court's attention to the decision of the Hon'ble Supreme Court in the case of *T. M. Jacob Vs. C. Poulose and Ors.*² to submit that the Election Petition can be amended under the doctrine of curability, on the principles contained in Code of Civil Procedure, 1908.

5. In view of the aforesaid discussion, let the Respondents No. 1 to 4 be deleted. Let the amendment be carried out within a period of one week. Re-verification is dispensed with.

6. Issue notice to the Respondents No. 5 to 25, returnable on 3rd March, 2025.

7. Let the notice be served by the Bailiff of the Sheriff's office as well as by the Registered Post AD and an appropriate affidavit of service be filed by the next date.

8. List on **3rd March, 2025** under the caption "For Directions".

(ABHAY AHUJA, J.)

² AIR 1999 SC 1359