

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 OTHERS

)...RESPONDENTS

None for the Petitioner.

Mr.Amit A. Karande, Advocate for the Respondent No.6.

CORAM : ABHAY AHUJA, J.

DATE : 28th APRIL 2025

PC. :

1. This matter was kept back in the morning session as this Court was informed by a representative of the Petitioner that an Advocate for the Petitioner would attend to the Court in the afternoon session.

2. When the matter is called out in the afternoon session, to the surprise of this Court, a visiting card by an Advocate by the name Mr.Vinod Sangvikar, is sought to be tendered to the Associate of this Court, submitting that some time be granted as the Advocate is reviewing the papers. An application dated 28th April 2025 is also sought to be tendered across the bar signed by the so called representative Mr.Bharat Shah, said to be holding for the Petitioner.

3. This kind of practice is unheard of either in the Code of Civil Procedure, 1908, or the Bombay High Court (Original Side) Rules, 1980 or Bombay High Court Appellate Side Rules, 1960, or under the Representation of People's Act, 1950 or the Rules made thereunder. From the e-court website it is gathered that even today the name of Advocate Aditya Sharma appears for the Petitioner. That, the names of Advocate Mr.Rajkumar Mohite and Advocate Mr.Y.K.Choudhari appear for the Respondent no.10, who are also not present in Court today.

4. On 21st April 2025, the matter was first kept back in the morning session and later on when called out in the afternoon session, Mr.Sharma, learned Advocate, had appeared for the Petitioner and submitted that although his Vakalatnama was on record, however, the Petitioner had taken away the papers from him with an assurance that another Advocate would file Vakalatnama, and therefore, the learned Advocate had sought time in the matter and since a request was made for a week's time by the Advocate on record for the Petitioner, as and by way of last indulgence, this Court had granted one week's time and had listed the matter for today.

5. Today, as noted above, none appears for the Petitioner except that an unauthorized request, as noted above, is sought to be made.

6. Although this Court had made it clear on the last date that if none appears for the Petitioner on the next date, this Court would dismiss the Petition and also made it clear that if the Advocate appearing for the Petitioner was not ready in the matter, this Court would pass orders on the basis of what had already been argued by Mr.Karande, learned Counsel for the Respondent no.6, on 8th April 2025, today, neither Mr.Sharma appears nor any one else has filed Vakalatnama on behalf of the Petitioner.

7. Mr.Karande, learned Counsel appearing for the Respondent no.6 has submitted that a Single Judge of this Court in the case of ***Surendra Budhaji Borkar vs. Narayan Tatu Rane***¹ has, relying upon decisions of the Hon'ble Supreme Court, clearly observed that there is no bar to dismiss the Election Petition for want of prosecution and/or for default and draws this Court's attention to paragraphs 10 to 13 of the said decision.

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8. Since Mr.Sharma's Vakalatnama is still on record, it ought to have been Mr.Sharma's duty to attend to this Court even if the papers had been taken away by his client, the Petitioner. Merely because the papers have been taken away, does not discharge an Advocate who has filed Vakalatnama.

9. No cognizance of the so called application by Mr.Bharat Shah holding for the Petitioner can be taken and the act of giving visiting card to someone by an Advocate claiming to be an Advocate of the High Court to be placed before this Court is also deprecated. This Court is not referring the matter to the Bar Council for initiating an enquiry of misconduct, only by way of an indulgence to the concerned Advocate.

10. Considering the aforesaid situation, Registry is directed to issue notice to Mr.Aditya Sharma, Advocate as well as to the Petitioner to remain present in Court on the next date, failing which, this Court will not only dismiss the Petition as noted above with exemplary costs but also refer the matter to the Bar Council for initiating appropriate

misconduct proceedings against the Advocate, who despite having filed his Vakalatnama, chooses not to remain present in the Court.

11. List on **5th May 2025** under the caption 'for dismissal'.

(ABHAY AHUJA, J.)