

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPLICATION (L) NO.12846 OF 2025
IN
ELECTION PETITION NO. 21 OF 2025**

Shekhar Govindrao Nikam

...Applicant

In the matter of

Prashant Baban Yadav

...Petitioner

Versus

Shekhar Govindrao Nikam

...Respondent

WITH
ELECTION PETITION NO.21 OF 2025
WITH
APPLICATION NO.4 OF 2025
IN
ELECTION PETITION NO. 21 OF 2025

Mr. Sujay Gangal a/w Mr. Swaraj Savant for Petitioner.

Mr. Siddharth Mehta a/w Ms Nikita Mandaniyan a/w Ms Shagufta Patel a/w Ms Swati Panjwani & Ms Harshada S. i/b Mr. Harshad Bhadbhade for Applicant / Respondent No.1.

CORAM : ARIF S. DOCTOR, J.

DATED : 18th June 2025

P.C. :

1 Learned Counsel appearing on behalf of the respondent no.1, who is the returned candidate, submits that a copy of the affidavit in reply to the Order 7 Rule 11 application has been served with the affidavit in reply only day before yesterday. He seeks time to put in a rejoinder. Rejoinder if any, to be filed on or

before 2nd July 2025.

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2 By way of the present application, the respondent no.1 seeks condonation of delay of 34 days in filing the written statement. The same is opposed by the Petitioner, who has filed an affidavit in response thereto. However, having heard the learned counsel and having due regard to the reasons for the delay, which are more particularly set out in paragraph nos.5, 6 & 7, I find that sufficient cause has been shown to condone the delay. Furthermore, the delay is neither inordinate or by which the applicant would be deprived of any right vested in the Applicant. Having due regard to the position in law laid down by the Hon'ble Supreme Court in the case of *Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academay and others*¹, in my view the substantive interest of justice would be served if the Application is allowed and the defendant is permitted an opportunity to contest the petition on merits.

3 Application is disposed of.

4 Election Petition No.21 of 2025, stand over to 9th July 2025.

(ARIF S. DOCTOR, J.)

¹ 2013 (12) SCC 649