

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ELECTION PETITION NO.30 OF 2025

Shashikant Jaywant Shinde ...Petitioner
Versus
Mahesh Sambhajiraje Shinde & Ors. ...Respondents

WITH
APPLICATION (L) NO.14529 OF 2025
IN
ELECTION PETITION NO.30 OF 2025

Mahesh Sambhajiraje Shinde ...Applicant
Versus
Shashikant Jaywant Shinde ...Respondent

Mr. Saurabh Butala i/b. Mr. Harshad Sathe, for the Petitioner.
Mr. Vaibhav Gaikwad a/w. Ms. Pradnya C. Solanki, for the
Respondent No.1.
Mr. Abhijit P. Kulkarni a/w. Mr. Shreyas R. Zarkar, for the
Respondent Nos.2 and 3-Election Commission.

CORAM: MADHAV J. JAMDAR, J.
DATED : 8th MAY 2025

P. C.:

1. This Application is filed seeking condonation of delay of 42 days in filing the written statement.

2. Order VIII, Rule 1 of the Code of Civil Procedure, 1908 is set out herein below for ready reference:

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*“1. **Written statement.**— The defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence:*

Provided that where the Defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the same on such other day, as may be specified by the Court, for reasons to be recorded in writing, but which shall not be later than ninety days from the date of service of summons.”

3. As per the said Order 8, Rule 1, the Defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence. It is further provided that where the Defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the same on such other day, as may be specified by the Court, for reasons to be recorded in writing, but which shall not be later than ninety days from the date of service of summons.

4. In view of the said provision, this Application is filed. The reasons given are set out in paragraph No.7 of the Application. As per the said reasons, the Applicant was under impression that the written statement can be filed within a period of 90 days and there

is no Application for condonation of delay is required to be filed.
The written statement has already been verified on 3rd May 2025.

5. Accordingly, for the reasons set out in the Application, the same is allowed in terms of prayer clause (a), on the condition that the Applicant i.e. original Respondent No.1 pays an amount of Rs.10,000/- to the High Court Employees Medical Welfare Fund at Mumbai. The said cost be paid within a period of one week from today.

6. The written statement is permitted to file within a period of 15 days from today.

7. The Application is disposed of in above terms with costs.

8. Stand over to 17th June 2025 at 02:30 p.m.

[MADHAV J. JAMDAR, J.]