

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ELECTION PETITION NO.37 OF 2025
WITH
APPLICATION NO.9 OF 2025
IN
ELECTION PETITION NO.37 OF 2025

Sunil Chandrakant Bhusara

.. Petitioner

Versus

Harishchandra Sakharam Bhoys

.. Respondent

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- Mr. Pranjal Agarwal, Ms. Dixita Gohil, Mr. Jatin Patil, Advocates i/by Mr. Jovila Jimmy Gonsalves for Petitioner.
- Ms. Ameeta Kuttikrishnan a/w. Ms. Sonal Dabholkar, Mr. Danish Patel, Ms. Shambhavi Desai and Ms. Gayatri Pore, Advocates for Respondent No.1.

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 06, 2025

P.C.:

1. Heard Mr. Agarwal, learned Advocate for Petitioner and Ms. Kuttikrishnan, Advocate for Respondent No.1.

2. This Election Petition is filed by Petitioner seeking declaration of Respondent No.1 as returned candidate as void. Furthermore, Petitioner prayed to be declared as an elected candidate.

3. Application No.9 of 2025 is filed by Petitioner seeking withdrawal of Election Petition No.37 of 2025. I have perused the original Aadhar Card of Petitioner to ascertain his identity.

4. Chapter IV of the Representation of the People Act, 1950 (for short '**the said Act**'), consists of Sections 108 to 116 which pertains to 'withdrawal and abatement of Election Petitions'. Section 109 of the

said Act specifically pertains to withdrawal of Election Petitions and Sub-section (1) thereof provides that an Election Petition can be withdrawn only by leave of the High Court. Sub-section (2) requires notice of fixing a date for hearing such Application for withdrawal to be given to all other parties to the Petition and to be published in the Official Gazette. Section 110, *inter alia*, requires the High Court to ascertain that such an Application for withdrawal of the Election Petition has not been induced by any bargain or consideration, which ought not to be allowed. Section 111 of the said Act stipulates that report of such withdrawal should be made to the Election Commission, which in turn, shall publish the report in the Official Gazette.

5. It is seen that, Respondent No.1, duly represented by Ms. Kuttikrishnan has been notified of Petitioner's request for withdrawal of the Election Petition. It is noted that Petitioner has published Notices in the newspaper and report regarding such withdrawal has been published in the Official Gazette dated 04.10.2025. Petitioner has sought leave to withdraw the Petition on the grounds stated in the Application.

6. The principal reason for withdrawal of this Petition is that Petitioner has filed an identical Petition through another Advocate in this Court for the same cause of action.

7. The Petition is listed today on board. The names of the parties have been called out. None has come forward to prosecute this petition. Notice in the newspaper as well as in the Government Gazette has now been published. Petitioner has sought leave to withdraw the Petition on the grounds stated in his Application. Since none has come forward to continue with the Petition and that the period is over and Application has been filed by Petitioner stating that he is intending to withdraw the Election Petition on his own volition and there is no threat coercion and / or inducement of any nature from any corner, the Election Petition will have to be disposed of as withdrawn.

8. Election Petition accordingly stands disposed of in above terms. No order as to costs. Application stands disposed of accordingly.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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