



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPLICATION NO. 17 OF 2025

IN

ELECTION PETITION NO. 38 OF 2025

Ganesh Ramchadra Naik } Applicant

V/s.

Manohar Krishna Madhavi (M.K) } Respondent

Ms. Shriya Awale (through VC) i/by Asim Sarode, for the petitioner.

Mr. R.S. Datar (through VC) with Druti Datar, for the respondent.

CORAM : N.J. JAMADAR, J.

DATED : 10TH NOVEMBER 2025

PC:

1. Heard the learned counsel for the parties.
2. This application is preferred by the respondent/ a returned candidate to condone the delay of 26 days in filing the written statement to the Election Petition. In the application, it is averred that the respondent being a Cabinet Minister was busy in administrative and political responsibilities and, therefore, the written statement could not be filed within the period of 30 days from the date of the service of Writ of Summons.
3. The original petitioner has not filed an affidavit-in-reply.

4. The learned counsel for the petitioner submitted that the reasons ascribed in the application seeking extension of time for filing the written statement are not justifiable. Therefore, the application be rejected.

5. Evidently, the Writ of Summons was served on the applicant on 4th June 2025. The application seeking permission to file the written statement after expiry of 30 days, was filed on 27th July 2025. The delay is not inordinate. The provisions contained in Order VIII Rule 1 of the Code of Civil Procedure, 1908, are construed to be directory.

6. In the case at hand, the applicant has ascribed justifiable reasons to account for delay.

7. In the totality of the circumstances, this Court finds it expedient in the interest of justice to condone the delay in filing the written statement.

8. The application, thus, stands allowed in terms of prayer clause (a) .

9. The applicant is permitted to file the written statement by 13th November 2025, in the registry.

10. Application stands disposed.

(N.J. JAMADAR, J)