



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ELECTION PETITION NO.34 OF 2025**

Jiva Pandu Gavit ... Petitioner
versus
Nitin Arjun Pawar and Ors. ... Respondents
WITH
APPLICATION IN ELECTION PETITION NO.22 OF 2025

Deputy Collector, Election Deciding
Officer @ Returning Officer ... Applicant
and
Jiva Pandu Gavit ... Petitioner
versus
Nitin Arjun Pawar and Ors. ... Respondents

WITH
APPLICATION IN ELECTION PETITION NO.21 OF 2025

Nitin Arjun Pawar ... Applicant
and
Jiva Pandu Gavit ... Petitioner
versus
Nitin Arjun Pawar and Ors. ... Respondents

Mr. Ajinkya Jaibhave, for Petitioner.
Mr. Joel Carlos, for Respondent No.1 and for Applicant in AEP No.21 of 2025.
Mr. Abhijit Kulkarni with Mr. Gourav Shahane, Mr. Abhishek R., Mr. Shreyas Zarkar, Ms. Sweta Shah for Respondent Nos.7 to 9 and for Applicant in AEP No.22 of 2025.

CORAM: N.J.JAMADAR, J.

DATE : 6 OCTOBER 2025

P.C.

Application No.21 of 2025

1. Heard the learned Counsel for the parties.

2. Learned Counsel for the Petitioner seeks time to file an affidavit in reply to the Interim Application for rejection of the Petition filed by the returned candidate.
3. Let the affidavit in reply be filed within a period of two weeks and its copy served on the Respondent No.1.
4. Rejoinder, if any, be filed within one week thereafter.
5. Stand over to 12 November 2025.

Application No.22 of 2025

6. This application is preferred to delete Respondent Nos.7 to 9 from the array of Respondents and also release the EVMs consisting of 348 Ballot Units and 348 Control Units which are kept in the custody of the District Election Officer.
7. Mr. Jaibhave, learned Counsel for the Petitioner, fairly submits that, in view of the provisions contained in Section 82 of the Representation of the Peoples Act, 1959, the Respondent Nos.7 to 9 are not the necessary parties.
8. Under Rule 92(1A) of the Conduct of Elections Rules, 1961, the control units kept in the custody of the District Election Officer shall not be opened and shall not be inspected by, or produced before, any person or authority, except under the orders of a competent Court.
9. Keeping open the right of the Petitioner to file an application to summon the record from the Election Officer, the Application stands allowed in terms of

prayer clauses (b) and (c).

10. In the event, the Petitioner files such an application, it would be decided on its own merits and in accordance with law.

11. The application stands disposed.

(N.J.JAMADAR, J.)