

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1981 OF 2026**

Mrs. Bharti Satish Sapkal

.. Petitioner

Vs.

Pallavi Santosh Kadam

.. Respondent

...

Mr. Himanshu Patil a/w Mr. Vivek Thakare & Ms. Jagruti Nimbalkar, Advocates for the Petitioner.

None for the Respondents.

...

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 9th MARCH 2026.

P.C. :

This writ petition is filed for the following reliefs :

"A. Grant liberty to the Petitioner to file an application for condonation of delay in filing the present election petition, or in the alternative, condone the delay in filing the same, in the interest of justice, equity, and fair play, considering the bona fide reasons (medical emergency), and hold that the petition be heard and decided on merits despite the absence of an express provision for condonation under the Act.

B. Pass any other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice."

2. The learned counsel for the petitioner states that on account of unavoidable reasons, the petitioner could not file election petition as envisaged within the prescribed ten days.

3. The State Election Commission issued the election program for the Municipal Council elections whereunder the period for filing nominations was scheduled from 10th November 2025 to 17th November 2025 and scrutiny was fixed for 18th November 2025. Subsequently, a revised election program was issued by the State

Election Commission on 29th November 2025 wherein the last date for withdrawal of nominations was set as 10th December 2025 till 3:00 pm and allotment of election symbols to candidates was scheduled on 11th December 2025. The date of polling was fixed as 20th December 2025 while the counting of votes and declaration of result were scheduled on 21st December 2025 and the notification of the elected candidates was to be published in the official gazette on 23rd December 2025. The petitioner states that the name mentioned in nomination paper of the respondent no. 1 was Pallavi Santosh Kadam but during the election campaign and on electronic voting machine ballot paper the name used for respondent no.1 was Palavi Nitesh Gole. In the Mahad Municipal Council election, including Ward 2A, the respondent no. 1 i.e. Pallavi Santosh Kadam emerged victorious. After the election results were published, the petitioner challenged the election of respondent no.1 under section 21 of the Maharashtra Municipal Councils, Nagar Panchayat and Industrial Township Act, 1965. The petitioner states that due to her medication and hospitalization, she was unable to challenge the election of the respondent no.1 before the District Court within a period of 10 days as provided by the said Act. However, the Act does not provide any explicit provisions related to condonation of delay.

4. As we understand from the applicable statutory provisions, the provision under section 5 of the Limitation Act, 1963 shall not apply and delay in filing the election petition cannot be condoned.

5. In view of above, we are not inclined to entertain this writ petition which is accordingly dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]