

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

ELECTION PETITION NO. 39 OF 2025

Rahul s/o. Tanaji Kalate

.. Petitioner

Versus

Shankar s/o. Pandurang Jagtap & Ors.

.. Respondents

WITH
APPLICATION (L) NO. 29702 OF 2025
IN
ELECTION PETITION NO. 39 OF 2025

-
- Mr. Asim Sarode (through VC) a/w Ms. Shreya Awale, Advocates for Petitioner
 - Mr. Manish Kelkar a/w Mr. Pratik Irpatgire & Mr. Saurabh Raut, Advocate for Respondent No. 1
-

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 23, 2026

P. C.:

1. Heard Mr. Sarode, learned Advocate for Petitioner through VC and Mr. Kelkar, learned Advocate for Respondent No. 1.
2. Mr. Sarode would submit that Petitioner has complied with the directions contained in the order dated 05.01.2026 and has filed appropriate Application dated 23.02.2026 which is numbered as Application (L) No. 6885 of 2016. Said Application is not on board. Same is taken on board.
3. Mr. Sarode would submit that since he is in personal difficulty, he is unable to remain present in Court. He would submit that the

Application (L) No. 6885/2026 is filed seeking withdrawal of the Election Petition No. 39 of 2025 in the interest of justice and persuade the Court to pass further orders as may be deemed fit in the facts and circumstances of the present case in accordance with law.

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pertains to withdrawal of Election Petitions and Sub-section (1) thereof provides that an Election Petition can be withdrawn only by leave of the High Court.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. In view of the above after perusing the Application (L) No. 6885 of 2026, Petitioner is directed to issue Public Notice of withdrawal of Election Petition in the Government Gazette and two newspapers i.e one in vernacular language and one in English language, both having

vide circulation in the Constituency in question in accordance with the provisions of Section 109 of the said Act. It is directed that draft of the said Notice shall be settled by the Registry of this Court.

6. After effective compliance of the aforesaid directions and considering any opposition that may be forthcoming in response to the Public Notice which are published, Election Petition and Application for withdrawal i.e Application (L) No. 6885 of 2026 shall be heard and decided on the next adjourned date.

7. Registry is directed to take steps to issue appropriate notices as directed herein above and settle the draft notice.

8. Aforesaid compliance is directed to be carried out before the next date by Petitioner.

9. Stand over to **30th March, 2026** under the caption "**for Direction**".

[MILIND N. JADHAV, J.]

Amberkar

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2026.02.24
18:46:48 +0530