



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 6380 OF 2025**

Balaji Shripati Pawar

.. Petitioner

Versus

Sambhaji Tanaji Palange And Others

.. Respondents

Mr. V. D. Salunke, Advocate for the Petitioner.

Mr. Sandip P. Sonwane, Advocate for Respondent No. 1.

Mr. A. B. Kadethankar, Advocate for Respondent No. 2.

**CORAM : KISHORE G. SANT, J.**

**DATED : 08<sup>th</sup> MAY, 2025.**

**P C. :-**

. At the outset, learned advocate for the petitioner seeks leave to correct the nomenclature of respondent No. 2 as Election Returning Officer.

2. Leave granted. Amendment be carried out forthwith.

3. Heard learned advocate for the petitioner.

4. The petitioner is held to be disqualified in Election Petition No. 1/2023 by the learned Joint Civil Judge Junior Division, Dharashiv by judgment and order dated 07.04.2025.

5. The learned advocate Mr. Salunke for the petitioner vehemently

argued that, so far as the allegations are concerned, there are four allegations. First allegation was that the petitioner has not disclosed the land standing in his name of five gunthas. The second allegation was about non disclosure of one flat in his name. Third ground was another land Survey Nos. 241 and 255 was not disclosed. On all these grounds findings are in favour of the petitioner, however, the petitioner is held to be disqualified only on the ground that he has not disclosed that there was pending light bill in the name of his wife. He vehemently submits that, this ground is neither provided, nor it is made a part of affidavit of disclosure of assets and liabilities. He further submits that, this ground in no case can be said to be materially affecting the result of election. He relies upon the judgments in the cases of (i) **Uma Ballav Rath Vs. Maheshwar Mohanty and others**<sup>1</sup> and (ii) **L. R. Shivramagowda Vs. T. M. Chandrashekhara**.<sup>2</sup> He thus submits that, he is unseated on the ground of non existence ground.

6. The learned advocate Mr. Sonwane informs that, he has received instructions to appear for respondent No. 1.

7. Issue notice to respondents, returnable on 17.07.2025. The learned advocate Mr. Sonwane waives notice for respondent No. 1. The learned advocate Mr. Kadethankar waives notice for respondent No. 2

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1 AIR 1999 SC 1322

2 AIR 1999 SC 252

8. Till the next date, there shall be ad-interim relief in terms of prayer clause (C).

( KISHORE C. SANT, J. )

PS.B.