

of this Court in G.Mallikarjunappa & Anr. Vs. Shamanur
Shivashankarappa & Ors. 2001 (4) SCC 428, T.Phungzathang
Vs. Hangkhanlian & Ors. 2001 (8) SCC 358, Sardar Harcharan
Singh Brar Vs. Sukh Darshan Singh & Ors. 2004 (11) SCC 196
and Dr. Vijay Laxmi Sadho Vs. Jagdish 2001 (12) SCC 427
and although the contrary view expressed in Dipak Chandra
Ruhidas Vs. Chandan Kumar Sarkar 2003 (7) SCC 66, relied
upon by the respondents may require reconsideration as that
does not take note of the earlier mentioned decisions, the
petitioners are willing to convert the special leave
petitions into Statutory Appeals under Section 116A by
filing appropriate applications to that effect along with
applications for condonation of delay in terms of sub-
Section 2 of Section 116A. Learned counsel submit that a
reference to a larger Bench for resolving the divergence of
opinion expressed in the aforementioned decisions is not
conducive to an early disposal of the matter having regard
to the fact that the challenge in the SLPs relates to the
validity of an election to the Maharashtra State Legislative
Council and the elected candidate is completing his term as
a Member of the Legislative Council in 2014.
Mr. V.A.Bobde, learned senior counsel for the
respondent who had raised a preliminary objection regarding
the maintainability of these special leave petitions

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in the light of the order in question being appealable under
Section 116A, had no objection to the proposed conversion
of the SLPs into Statutory Appeals subject to his right to
oppose any prayer for condonation of delay as the period of
limitation for such appeals has already expired.

In the circumstances, the petitioners may file their
applications with advance copies thereof to counsel for
respondent No. 1 who shall have two weeks' thereafter to

file his objection to the same.

Post the applications as also the main petitions for
hearing on 01.05.2012.

(Shashi Sareen)
Court Master

(Veena Khera)
Court Master