

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3418 OF 2017

Uma Vijay Parasekar	... Petitioner
Vs.	
Chief Election Officer & Ors.	... Respondents

Mr. Sagar A. Rane i/b. Mr. Ajit V. Alange, Advocate for the petitioner.
Mr. Deendayal G. Dhanure, Advocate for respondent nos. 1 and 2.
Mr. Rahul B. Vijaymane, Advocate for respondent No. 3.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **20th July, 2017.**

P.C.:

In this Writ Petition, the order dated 7th March, 2017 below Exhibit 5 passed by the 4th Joint Civil Judge Senior Division, Solapur is under challenge. The petitioner has filed an Election Petition No. 4 of 2017 under section 16 of the Maharashtra Municipal Corporation Act challenging the result of electing respondent No. 3 as elected candidate in the Corporation Election which took place on 21st February, 2017 in Ward No. 26B at Solapur.

2. It is the case of the petitioner that respondent no 3 has disclosed in the affidavit, in support of the nomination form submitted to respondent nos. 1 and 2, that she has three children and third child is born in 2004 but she was declared eligible to contest the

election though she was not eligible in view of sub-section (i) of Section 10(1) of Maharashtra Municipal Corporation Act. In the Election Petition, an Application for interim injunction was filed, which was rejected mainly on the ground that in the Election Petition, interim relief is not to be given.

3. The learned counsel for the petitioner submitted that in the case of **Jagannath Pundalik Date vs. Sukhdeo Onkar Wankhede, AIR 1967 Bom. 317**, the Bombay High Court has taken a view that no interim relief is to be granted in Election Petition. The learned counsel submitted that in view of this, he does not want to press the Petition but submitted that order of time bound expediting the matter may be passed.

4. The learned counsel for the respondents are present.

5. Heard the submissions. This being the Election Petition, the learned trial Court to proceed with the matter. Respondent nos. 1 to 3 to remain present before the trial Judge and cooperate. The Election Petition is to be concluded till 31st January, 2018.

6. Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)