

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO. 2425/2017
IN WRIT PETITION No. 2269/2017.

Lokashahi Aghadi, Akola.

-VERSUS-

Akola Municipal Corporation and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.**

DATE : NOVEMBER 10, 2017.

Heard Shri C.S. Kaptan, learned Senior Counsel with Shri Mohta, learned counsel for the applicant. Shri A.M. Ghare, learned Counsel for petitioner, Shri S.V. Sohoni, learned counsel for respondent no.1, Shri A. De, learned counsel for respondent no.2, learned A.G.P. for respondent nos. 3 and 4, Mrs. Sirpurkar, learned Counsel for respondent no.5 and Shri A.R. Fule, learned counsel for respondent no.6. Shri S.S. Sarda, learned counsel for intervenor.

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2. Submission is, because of pending Writ Petition and orders therein, though name of applicant has been proposed, vacancy is not being filled in.

3. In this situation, we grant application for intervention. Applicant be shown as party intervenor no.2. Civil Application is accordingly allowed and disposed of. No costs.

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Civil Application (W) No. 2426/2017.

Heard learned counsel for the parties.

2. Orders of this Court do not restrain respondents from filling in other vacancies and only one vacancy which forms subject matter of present petition cannot be filled in. Orders of this Court dated 19.06.2017, are not in dispute and therefore, not decisive at this stage.

3. By earlier orders dated 13.04.2017, this Court has already declared that elections shall be subject to result of the petition. Those elections are over and now process of co-option is underway.

4. Excluding subject vacancy, 4 other vacancies therefore can be filled in by co-option.

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However, we make it clear that said co-option shall also be subject to result of this petition. Civil Application is thus, partly allowed and disposed of. No costs.

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Civil Application No. _____/2017 (Amendment).

Heard learned counsel for the parties.

2. Not on board. Leave to amend to raise additional grounds is sought. Respective counsel for respondents fairly give no objection, hence we have taken up the application on board and the same is allowed. Necessary amendment be carried out within a period of one week. Liberty to respondents to file reply/replies, if any, within further period of one week.

3. List Writ Petition for further consideration on 28.11.2017. Parties to note that the court may decide the matter/admission on that date finally, if it is otherwise convenient to the Court.

Rgd.

JUDGE

JUDGE