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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10991 OF 2018

Ansari S. Ahmed	...Petitioner
V/s.	
Abdul Malik Mohd. Yunus & Ors.	...Respondents

Mr.Suresh M. Kamble for the Petitioner.

Mr.N.R. Bubna for the Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 29TH OCTOBER, 2018.

P.C. :-

1. By this petition filed under under Article 227 of the Constitution of India, the petitioner has impugned the order dated 3rd February, 2018 passed below Exhibit – 19 in allowing the application filed by the respondents and rejecting the application below Exhibit – 30 filed by the petitioner herein. It was the case of the petitioner that the respondents had neither signed the petition nor the verification clause of the said election petition and thus on that ground itself, the election petition was required to be dismissed at the thresh hold. Learned Trial Court however, has permitted the respondents (original petitioners) to cure the said alleged defect on the ground that the same was not fatal but implemented by the petitioner.

2. Mr.Bubna, learned counsel appearing for the respondents (original petitioners) states that the said order dated 3rd February, 2018 passed by the learned Trial Judge has been already implemented. The matter is at the evidence stage. I am thus not inclined to interfere with the impugned order at this stage.

3. It is however made clear that the petitioner would be at liberty to raise this as one of the ground in the proceedings if required to be filed against the final judgment of the learned Trial Court if the petitioner is aggrieved by the same under section 105 of the Code of Civil Procedure, 1908. It is made clear that this Court has not expressed any views on the merits of the matter. All the contentions of both the parties are kept open.

4. The writ petition is accordingly disposed of in aforesaid terms. There shall be no order as to costs.

(R.D. DHANUKA, J.)