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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10311 OF 2018

Sharadrao K. Lende	...Petitioner
V/s.	
The Zilla Parishad, Pune & Ors.	...Respondents

Mr.Uday B. Nighot for the Petitioner.
Mr.Mayur Jadhav I/b Mr.S.B. Shetye for the Respondent No.2.
Mr.Jitendra M. Pathade for the Respondent No.5.

CORAM : R.D. DHANUKA, J.
DATE : 3RD OCTOBER, 2018.

P.C. :-

1. Learned counsel appearing for the respondent no.5, who is the contesting respondent has no objection if the impugned order dated 16th August, 2018 below Exhibit – 47 passed by the learned District Judge - 1, Khed Rajgurunagar, Pune is quashed and set aside and the issue “as to whether the said petition is bad for non-joinder of necessary parties” referred in paragraph 3 of the application dated 16th August, 2018 filed by the petitioner (original respondent no.5) is framed by this Court. The statement is accepted.
2. The impugned order dated 16th August, 2018 passed below Exhibit – 47 is accordingly quashed and set aside. An additional issue is framed as under :

“Whether the Election Petition No.3 of 2017 is bad for non-joinder of necessary parties named in paragraph 3 of the application filed by the petitioner viz. Rajendra Laxman Alhat, Ayyaj Hamid Jamadar, Asha Gangaram Totre, Dattatraya Bala Walunj and Shashikant Bhikaji Sonavane ?”

3. The respondent no.5 is permitted to file additional affidavit of evidence in view of the additional issue framed by this Court by consent of parties. The affidavit of evidence, if any, shall be filed within one week from today before the learned Trial Judge.

4. Hearing of the Election Petition No.3 of 2017 is expedited. Learned District Judge - 1 shall not grant any unnecessary adjournment to any of the parties. The parties are directed to co-operate with each other and also with the learned District Judge in disposing of the said election petition expeditiously. Learned Judge shall make an endeavor to dispose of the said election petition within six months from the date of commencement of the oral evidence.

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

(R.D. DHANUKA, J.)