

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 292 OF 2019

Abdul Javed Abdul Wahed
Age- 34 years, Occu: Social Worker,
and Agriculture
R/o Pandhari Mohalla,
Kannad, Tal. Kannad,
Dist. Aurangabad

...Petitioner

Versus

- 1 Ahmed Ali s/o Hohd. Ali Bhaiyya
Age-52 years, Occu: Social Work
and agriculture
R/o: Bada Bangla,
Kannad, Tal. Kannad,
Dist. Aurangabad
2. The Election Officer,
Kannad Municipal Council,
Tal. Kannad, Dist. Aurangabad
3. Pathan Mukhtar Jabbbbar,
Age: 32 years, Occu. Business,
R/o Goripura Bangla, Kannad,
Tal. Kannad, Dist. Aurangabad
4. Sk. Asif Ismail,
Age: 35 years, Occu. Labour,
R/o Kazi Mohalla, Kannad,
Tal. Kannad, Dist. Aurangabad
5. Shaikh Gani Lal Mohammad,
Age: 50 Years, Occu. Messian
R/o Bada Bangla, Kannad,
Tal. Kannad, Dist. Aurangabad
6. Municipal Council, Kannad,
Though its Chief Officer
and others

...Respondents

...

Mr. Anand P. Bhandari, Advocate for petitioner
Mr. P. F. Patni, Advocate for respondent no. 1

...

CORAM: SUNIL P. DESHMUKH, J.

Date: 6th February, 2019

ORDER :

1. At the outset, learned counsel for petitioner refers to that the only contesting respondent is respondent no. 1, who is before this court and respondents no. 2 to 6 are formal parties. As such, notice to respondents no. 2 to 6 would not be necessary as far present writ petition is concerned.

2. Heard learned counsel for petitioner and respondent no. 1.

3. Impugned order refers to that affidavit of examination-in-chief has been filed by election petitioner – respondent no. 1. It does not appear that present respondent no. 1 – election petitioner has been cross examined as yet.

4. Perusal of the Impugned order, particularly, reasoning shows that the contentions and submissions referred to in the application have not received any attention. In the circumstance, it would be expedient that the application Exhibit-40 preferred by the petitioner in election petition be heard afresh.

5. Accordingly, impugned order dated 1st December, 2018, passed by the District Judge-6, Aurangabad on Exhibit-40 in election petition no. 1 of 2016 is set aside. Application Exhibit-40, filed by present petitioner in election petition no. 1 of 2016 be restored to its position for re-hearing and be disposed of as expeditiously as possible.

6. Writ petition stands disposed of.

[SUNIL P. DESHMUKH, J.]