

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.162 OF 2019

Rajrajeshwari Anil Redkar	...Applicant
vs.	
Anwar Abdullah Shaikh and Ors.	...Respondents

Mr. Sagar Joshi, for the Applicant
Mr. Sheetal Bane, for Respondent No. 2.

CORAM : M. S. SONAK, J.

DATE : APRIL 18, 2019

P.C.:

- . Heard Mr. Joshi, learned counsel for the Applicant.
2. The challenge in this Petition is to the order dated 22nd November, 2018 by which the learned trial Judge has rejected the Petitioner's application under Order 7 Rule 11 of Code of Civil Procedure.
3. Mr. Joshi, learned counsel for the Applicant contends that it is not only sufficient that the Election Petition is enrolled in the Municipal Electoral but further it is necessary that the Election Petition must be enrolled in the voters list of the particular ward from where the returned candidate has been elected. He refers to provision of section 11 of the MMC Act in support of his contention of deciding whether the Election Petition was required to be

rejected by resort to provision under Order 7 Rule 11 of Code of Civil Procedure. Therefore, such rejection cannot be regarded as final. The Applicant will therefore have an opportunity of urging that the Election Petition instituted by the Election Petitioner was required to be dismissed on the ground that Election Petitioner lack *locus standi* to maintain such Petition at the stage of final hearing of the Election Petition. The finding regarded in the impugned order is to be regarded only as *prima facie* finding.

4. Therefore, without going into the merits and the rival contentions, this Civil Revision Application is disposed of without interfering in the impugned order but liberty with the aforesaid terms.

5. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)