



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

WRIT PETITION NO.236 OF 2026

MAZHAR KHAN S/O MUNTEZAR KHAN AND ANOTHER
VERSUS
MOHAMMAD AKRAM SHEIKH IMAM AND ANOTHER

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. PS. Tiwari, Advocate for Petitioners.

Mr. M.R. Deshpande, Advocate for Caveator/Respondent No.1.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 12th JANUARY 2026

PER COURT :-

1. Heard learned Advocate for the petitioners.
2. The petitioners' challenge is to the order dated 06.01.2026, passed by the Court of Ad-hoc District Judge-1, Akola, rejecting the application seeking interim relief in Election Petition No.03 of 2025.
3. Learned Advocate for the petitioners submits that the election petition filed by the petitioners challenging the election of respondent No.1 as Councillor of Municipal Council, Balapur, is pending for consideration before the Court of Ad-hoc District Judge-1, Akola. He submits that, in that election petition, the petitioners have

filed an application seeking interim relief to restrain respondent No.1 from attending the council's meetings, cast vote on any resolution and to preside over any sub committees, during pendency of the election petition. He submits that the application was filed by raising contention that respondent No.1 has been fraudulently holding the position of Councillor and there is strong documentary evidence to establish that respondent No.1 is having more than two children and therefore, has incurred disqualification. He submits that the trial court has rejected the said application by way of impugned order, which is subjected to challenge by way of instant petition.

4. A perusal of the impugned order shows that the trial court has rejected the application by observing that the allegations attracting disqualification are subject matter of adjudication and would be decided only after the evidence is led in the election petition and therefore, at this stage, the Court is not in a position to conclude about his disqualification. The Court has also observed that respondent No.1 has specifically denied about having third child and as such, the issue as to whether respondent No.1 has incurred disqualification needs adjudication on merits.

5. A perusal of the impugned order shows that the trial court has given due consideration to the relevant aspects. Pertinent to

note, the allegations about disqualification of respondent No.1 as Councillor are pending for consideration in the election petition. Apart from this, during arguments, in response to a query, learned Advocate for the petitioners has failed to point out any specific provision of law on the basis of which the application for interim relief to restrain respondent No.1 from working as Councillor could be filed.

6. Having regard to all these aspects, no perversity is seen with the impugned order. Hence, no indulgence is warranted under Article 227 of Constitution of India. Thus, the writ petition is dismissed with no order as to costs.

7. The petitioners are permitted to submit an application for expeditious decision of the election petition before the concerned court. If such application is submitted by the petitioners, same be decided by the concerned court, considering the pendency of matters.

(PRAFULLA S. KHUBALKAR, J.)

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