

WPMS No. 2036 of 2020

**Hon'ble Sharad Kumar Sharma, J.**

(Via Video Conferencing)

Mr. Sandeep Kothari, Advocate for the petitioner.

Mr. Sanjay Bhatt, Advocate for respondent nos. 2 and 3.

In the writ petition the petitioner has sought for the following reliefs:

- “(a) To direct the learned Prescribed Authority/2<sup>nd</sup> Additional District & Sessions Judge, Rudrapur, District-Udham Singh Nagar for the expeditious disposal of the Election Petition No. 13/2018 (Julfikar vs. District Election Officer / District Magistrate Udham Singh Nagar and Others) pending before it.
- (b) Issue any other and further order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.
- (c) Award costs of the petition to the petitioner.”

In fact, the prayer made by the petitioner is for an appropriate direction to the Court of 2<sup>nd</sup> Additional District Judge, Rudrapur, District Udham Singh Nagar, to decide the proceedings of Election Petition No. 13 of 2018 'Julfikar vs. District Election Officer', as early as possible.

The Registry has reported that there is a defect in the writ petition, as the court below seized with the Election Petition, has been wrongly impleaded as a party/respondent in the writ petition.

The said defect is not so crucial, to have any effect on the merits of the writ petition. Hence, it is over-ruled.

Since, the matter pertains to a challenge given to the election of the private respondent, to the election petition, this writ petition is being disposed of with the request to the respondent no. 1, who is seized with the election petition, to decide the election petition, itself exclusively on its own merit as expeditiously as possible, but not later than six months from the date of production of certified copy of this order, subject to the condition that there is no other legal procedural impediment in proceeding with the matter.

Subject to the above, the writ petition stands disposed of.

**(Sharad Kumar Sharma, J.)**

31.10.2020