

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
EP No. 24 of 2024
(RAMNIWAS RAWAT vs MUKESH MALHOTRA AND OTHERS)

Dated : 09-03-2026

Later on :

Shri M.P. S. Raghuvanshi - Senior Advocate with Shri Sanjay Dwivedi - Advocate for petitioner.

Shri Pratip Visoriya - Advocate for respondent No.1.

Shri Ravindra Sharma - Advocate for respondents No.2,3, 5 to 9.

Shri Navnidhi Parharya - Advocate for respondent No.4.

Shri Priyanshu Yadav - Advocate for respondent No.10.

I.A. No. 2258/2026 has been filed under Section 116-B of the Representation of the People Act for stay of the effect and operation of the judgment passed by this Court today in this case, by which the election of respondent No.1/Mukesh Malhotra, as MLA from Assembly Constituency No. 02, Vijaypur, District Sheopur, has been declared as null and void, with a direction that all the adverse consequences shall follow, and the election petitioner/Ramniwas Rawat, has been declared as elected from the said constituency.

It is submitted by counsel for respondent No.1/Mukesh Malhotra that if the effect and operation of the judgment is not stayed thereby facilitating respondent No.1/Mukesh Malhotra, to approach the Hon'ble Supreme Court, then he will be required to vacate the seat, which will have a larger impact on the whole constituency, and also respondent No.1/Mukesh Malhotra will

suffer irreparable loss. Under these circumstances, it is prayed that this Court may stay the effect and operation of the judgment passed today in E.P. No.24/2024 for a period of 15 days so as to enable respondent No.1/Mukesh Malhotra, to obtain an order of stay from the Supreme Court.

The application was vehemently opposed by counsel for election petitioner. It is submitted that this Court should stay the effect and operation of its own judgment only if any sufficient cause is made out. It is submitted that no sufficient cause has been made out; therefore, I.A. No. 2258/2026 be rejected and the effect and operation of the order passed by this Court today in E.P. No. 24/2024 be not stayed.

Heard learned counsel for the parties.

Today, this Court, by a separate judgment, has declared the election of respondent No.1/Mukesh Malhotra, as null and void, with all adverse consequences to follow, and has also declared the election petitioner/Ramiwas Rawat, as elected from Assembly Constituency No.02, Vijaypur, District Sheopur.

Respondent No.1/Mukesh Malhotra, is correct in submitting that in case if the effect and operation of the judgment is not stayed, then he is likely to suffer irreparable loss, and once the seat is declared vacant, then the elected representative will be deprived of serving the society.

Although the prayer for stay is vehemently opposed by counsel for the election petitioner, but in the considered opinion of this Court, the prayer for grant of stay for a period of 15 days on the effect and operation of the judgment will serve the justice so as to enable respondent No. 1/Mukesh

Malhotra, to obtain a stay order from the Supreme Court.

Accordingly, I.A. No. 2258/2026 is **allowed**, and it is directed that the effect and operation of the judgment passed today in Election Petition No.24/2024 shall remain stayed for a period of 15 days so as to enable respondent No.1/Mukesh Malhotra, to obtain an interim order from the Supreme Court.

Accordingly, these proceedings are finally closed.

(G. S. AHLUWALIA)
JUDGE

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