

HIGH COURT OF CHHATTISGARH

Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal

Election Petition No. 01 of 2014

PETITIONER : Bedanti Tiwari

Versus

RESPONDENTS : Bhaiyalal Rajwade and others

**ELECTION PETITION UNDER SECTION 80/80-A READ WITH
SECTION 100 & 101 OF THE REPRESENTATION OF THE
PEOPLE ACT, 1951.**

Appearances:

Shri Kanak Tiwari, Senior Advocate with Shri Varun Sharma, counsel for the petitioner.

Shri B. P. Sharma and Shri Vivek Chopra, counsel for respondent No. 1.

None for respondents No. 3 to 6, though served.

ORDER
(Passed on 10.03.2015)

(1) This order shall govern the disposal of I. A. No. 2, application under Order 7 Rule 14 (sic 11) of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') raising preliminary objection that Election Petition filed by the petitioner does not disclose triable and reasonable cause of action for the grounds stated in the election petition and therefore, it is liable to be dismissed summarily invoking jurisdiction under Order 7 Rule 11 of the CPC.

(2) Election petitioner has filed this Election petition under Section 80A read with Section 100 and 101 of the Representation of the People Act, 1951 (hereinafter referred to as “the RP Act, 1951”) for declaring the election of respondent No.1, from 3 Bainkunthpur Legislative Constituency as illegal and void under Section 98(b) of the RP Act, 1951 mainly on the following grounds:-

Firstly : That the nomination of returned candidate was improperly accepted by the Returning Officer, materially affecting the result of returned candidate which is ground under Section 100(1)(d)(i) of the RP Act, 1951 to declare the election void.

Secondly: The failure of the respondent No.1/returned candidate to disclose the governmental liability of Rs.45,120/- towards electricity dues of CSPDCL would interfere with the freedom of choice of the voter and it will fall under the category of “undue influence” within the meaning of Section 123(2) of the Act, 1951 and the failure to disclose full and complete information is an undue influence on the voters and it is a “corrupt practice” rendering the election liable to be set aside,

which is a ground under Section 100 (1)(b) of the RP Act, 1951 to declare the election void.

(3) Upon service of summons of the election petition, respondent No.1/returned candidate without filing written statement straightway filed application under Order 7 Rule 14(sic 11) of the CPC stating *inter alia* that election petition as framed and filed is not maintainable in law as the non-payment of the electricity dues is not a material lapse leading to rejection of nomination paper; and further pleaded that the election petitioner has failed to plead that the alleged improper acceptance of the nomination paper, the result of the respondent No.1/returned candidate has been materially affected as required under Section 100 (1)(d)(i) of the RP Act, 1951; secondly that the non-disclosure of the liability towards electricity dues would not amount to undue influence by no stretch of imagination and, as such, it would not be corrupt practice within the meaning of Section 123(2) of the RP Act, 1951. He would also submit that affidavit filed in support of corrupt practice is also not in accordance with the prescribed proforma laid down by Rule 94-A of the Conduct of Election Rules, 1961 and, as such, the election petition is liable to be dismissed for want of triable cause of action.

(4) Election petitioner has filed reply opposing to the said application stating *inter alia* that technical objections taken by the returned candidate/respondent No.1 on merits of the case, without filing the written statement is not maintainable in law as Section 86 of RP Act, 1951 doesn't include Section 83 of RP Act, 1951 and as such the application is liable to be rejected as not maintainable in law.

(5) Shri B.P. Sharma, learned counsel appearing for respondent No.1/returned candidate while supporting his application under Order 7 Rule 14(sic 11) of the CPC would submit as under:-

(i) Failure to make disclosure of the alleged electricity dues of CSPDCL will not be a material lapse requiring rejection of nomination paper and, therefore, it cannot be held that the nomination paper of the respondent No.1/returned candidate was improperly accepted.

(ii) In order to establish the ground under Section 100 (1)(d)(i) of the RP Act, 1951, election petitioner is required to plead that by improper acceptance of the nomination paper, result of the election so far as it relates to the returned candidate has been materially affected but in the instant case, pleadings with regard to result of the election, has materially affected is

completely missing and lacking in the election petition filed by the petitioner and, therefore, in the instant election petition, there is no concise statement of material fact muchless the triable cause of action under Section 83(1)(a) of the RP Act, 1951 calling for trial of the election petition.

(iii) That, the election petitioner has not averred that alleged non-disclosure of electricity dues of CSPDCL has actually interfered with free exercise of the right to the voters to vote according to their choice and conscience and as such there is no material facts pleaded with regard to undue influence within the meaning of Section 123(2) of the RP Act , 1951, therefore, it will not a corrupt practice within the meaning of Section 123 of the RP Act, 1951 stated to be a ground under Section 100(1)(b) of the RP Act, 1951, and as such election petition cannot be put to trial for want of complete cause of action as mandated under Section 83(1)(b) of the Act, 1951.

(iv) That an affidavit as framed and filed is not in consonance with the proviso to Section 83(1) of the Act read with Rule 94-A of the Conduct of Election Rules, 1961 (hereinafter referred to as 'the Rules').

(6) Mr. Kanak Tiwari, learned Senior Counsel, while replying and countering the submissions made by respondent No.1/returned candidate on his application under Order 7 Rule 14 (sic 11) of the CPC, would submit as under:-

(i) An application filed under Order 7 Rule 11 CPC is not maintainable in law as the election petition can be dismissed by this Court under Section 86 of the RP Act, 1951 which does not comply with the provisions of Sections 81 or Section 82 or Section 117 of the RP Act, 1951, as such order shall be deemed to be made under sub-section(a) of Section 98 of the RP Act, 1951 amounting to dismissal of the election petition, therefore, no other ground is available for summarily dismissal of the election petition by this Court even before summon to be served to respondent No.1/returned candidate.

(ii) That, the nomination of respondent No.1/returned candidate has improperly been accepted by returning officer as the petitioner has failed to disclose the electricity dues of CSPDCL, Government Company, which he was required to disclose and gave a false affidavit alongwith his nomination paper, which is a

ground under Section 100(1)(d)(i) of RP Act, 1951 to declare the election void.

(iii) That second limb of Section 100 (1)(d)(i) that result of the election in so far as it concerned a returned candidate has been materially affected by the improper acceptance of the nomination paper, this has to be established by the evidence during the course of trial by leading appropriate evidence.

(iv) That the election petition discloses reasonable and triable cause of action by pleading material facts relating to ground under Section 100(1)(b) of Act and affidavit filed in support of election petition is in accordance with Rule 94-A of Rules of 1961.

(7) After hearing learned counsel for the parties on the application under Order 7 Rule 11 of the CPC following, three questions would arise for determination.

(i) Whether election petition can dismissed summarily under Section 86 of the RP Act, 1951, in exercise of jurisdiction Order 7 Rule 11 of the Code of Civil Procedure, 1908?

(ii) Whether averment in the election petition assuming them to be true and correct disclose any cause of action

for setting aside the election of returned candidate/ respondent No.1 on the ground stated in Section 100(1) (d)(i) of the RP Act, 1951?

(iii) Whether averment in the election petition assuming them to be true and correct, disclose any cause of action for setting aside the election of returned candidate/ respondent No.1 on the ground stated in Section 100(1)(b) of the RP Act, 1951?

Re-question No. 1

(8) It is a submission of learned Senior counsel for the petitioner that application under Order 7 Rule 11 of the CPC is not maintainable in law as by virtue of Section 86 of the RP Act, 1951, that the election petition, which does not comply with the provisions of Section 81 or Section 82 or Section 117 of the RP Act, 1951, shall be dismissed and the Election Petition, which does not comply with Section 83 (1) (a) or (b) of the RP Act, 1951 as the case may be, cannot be dismissed in exercise of jurisdiction under Order 7 Rule 11 of the CPC and therefore, the application is liable to be rejected without going into the merits of the said application.

(9) Submission of learned counsel for the Election petitioner ignores mandate of Section 87 of the RP Act, 1951 which

provides that Election Petition shall be tried by the High Court as nearly as may be in accordance with the procedure applicable under the CPC to the trial of the suits.

(10) The aforesaid question was specifically raised in the matter of **Azhar Hussain Vs. Rajeev Gandhi**¹, the following question was formulated by the Supreme Court:-

“**5.A.** Since the Act does not provide for dismissal of an election petition on the ground that material particulars necessary to be supplied in the election petition as enjoined by Section 83 of the Act are not incorporated in the election petition inasmuch as Section 86 of the Act which provides for summary dismissal of the petition does not advert to Section 83 of the Act there is no power in the Court trying election petitioners to dismiss the petition even in exercise of powers under the Code of Civil Procedure.”

(11) In paragraph 11 of judgment their Lordships answered the question and held that election petition could be dismissed summarily if it doesn't disclose a cause of action by observing as under:-

“**11.** In view of this pronouncement there is no escape from the conclusion that an election petition can be summarily dismissed if it does not furnish cause of action in exercise of the powers under the Code of Civil Procedure. So also it emerges from the aforesaid decision that appropriate orders in exercise of powers under the Code of Civil Procedure can be passed if the mandatory requirements enjoined by Section 83 of the Act to incorporate the material facts in the election petition are not complied with.”

¹ 1986 (Supp.) SCC 315

(12) Very recently, in the matter of **G.M. Siddheshwar Vs. Prassanna Kumar**², their Lordships of the Supreme Court noticing, **Azhar Hussain** (supra) and considering the decision rendered in **Ponnala Lakshmaiah V. Kommuri Pratap Reddy**³, held that the election petition is required to be tried as early as possible in accordance with the procedure applicable under the CPC to the trial of the suits and an election petition could be dismissed if it does not disclose a triable cause of action and followed and relied upon **Azhar Hussain** (supra).

(13) Bearing in mind the principles of law laid down in the aforesaid judgments **Azhar Hussain** (supra) & **G.M. Siddheshwar** (supra), the application filed by the returned candidate for the summary dismissal of the election petition in exercise of power under Order 7 Rule 11 CPC is held to be maintainable and preliminary objection raised on behalf of election petitioner to the maintainability of the said application is hereby overruled.

Re-question No. 2

(14) The question that falls for consideration is whether the pleadings made in the election petition contain material concise fact calling for trial of this election petition and whether

² (2013) 4 SCC 776

³ (2012) 7 SCC 788

the election petition discloses triable and complete cause of action as provided in Section 83(1)(a) of the RP Act, 1951.

The pertinent decisions in this regard are as under:-

(15) In the matter of **Anil Vasudev Salgaonkar v. Naresh Kushali Shigaonkar**⁴, that an election petition can be dismissed summarily if it doesn't furnish complete cause of action. Their Lordships observed as under:-

“50. The position is well settled that an election petition can be summarily dismissed if it does not furnish the cause of action in exercise of the power under the Code of Civil Procedure. Appropriate orders in exercise of powers under the Code can be passed if the mandatory requirements enjoined by Section 83 of the Act to incorporate the material facts in the election petition are not complied with.

61. The legal position has been crystallised by a series of the judgments of this Court that all those facts which are essential to clothe the election petitioner with a complete cause of action are “material facts” which must be pleaded, and the failure to place even a single material fact amounts to disobedience of the mandate of Section 83(1)(a) of the Act.”

(16) Recently, the principle of law laid down in **Anil Vasudeo Salgaonkar** (supra) was reiterated in the matter of **G.M. Sidheshwar** (supra) and it has been held by their Lordships of the Supreme Court that in case of complete non-compliance with the provisions of Section 83, election petition may be dismissed at the threshold by observing as under:-

“52. The principles emerging from these decision are that although non-compliance with the provisions of

⁴ (2009) 9 SCC 310

Section 83 of the Act is a curable defect, yet there must be substantial compliance with the provisions thereof. However, if there is total and complete non-compliance with the provisions of Section 83 of the Act, then the petition cannot be described as an election petition and may be dismissed at the threshold.”

(17) Very recently, in the matter of **Ashraf Kokkur v. K.V. Abdul Khader and others**⁵, their Lordships of the Supreme Court pointed out distinction between the requirement of Section 83(1)(a) of the RP Act and Section 83(1)(b) of the RP Act by stating as under:-

“12. The requirement under Section 83(1)(a) of the RP Act in contradistinction to Section 83(1)(b) of the RP Act is that the election petition need contain only a concise statement of the material facts and not material particulars. “Concise” according to *Oxford Dictionary* means, “brief and comprehensive”. *Concise Oxford Dictionary* has given the meaning to the expression “concise” as “giving a lot of information clearly and in few words”. As per *Webster’s Comprehensive Dictionary*, International Edition, expression has been defined as “expressing much in brief form.”

(18) In this election petition petitioner has raised the following grounds under Section 100 (1)(d)(i) for invalidating the election of the returned candidate by making averments in the election petition by stating, *inter alia*, that the returned candidate in a nomination filed on 30.10.2013 alongwith the affidavit in the prescribed Form-26 did not disclose the governmental liability of Rs. 45,120/- to the Chhattisgarh State Power Distribution Company Limited as a outstanding dues

⁵ (2015) 1 SCC 129

towards the electricity bill of his personal house and made a false statement in his affidavit dated 29.10.2013 filed along with nomination paper having no dues towards the electricity department and at the time of scrutiny accepted his liability before the returning officer, thus the respondent No.1 by furnishing false information of having no liability and accepted his liability before the returning officer made his nomination liable to be rejected at once and as such nomination of respondent No.1/returned candidate was improperly accepted and thereby the result of the election has materially affected by such improper acceptance of nomination paper and which is a ground under Section 100(1) (d) (i) of the Act of 1951 for declaring the election of returned candidate as null and void.

(19) At this stage it would be profitable to notice Section 100(1)(d)(i) of the RP Act, 1951 which provides as under:-

“100. Grounds for declaring election to be void.

—(1) Subject to the provisions of sub-section (2) if the High Court is of opinion—

(a)

(b)

(c)

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination, or

The High Court shall declare the election of the returned candidate to be void”

(20) Thus, under Section 100 (1)(d)(i) of the RP Act, 1951 the election of the returned candidate can be declared void by this Court if it is pleaded and proved that the result of the election in so far as it concerns returned candidate, has been materially affected by improper acceptance of the nomination paper.

(21) Before proceeding further, it would be appropriate to notice the landmark judgment of the Supreme Court (**Union of India v. Association for Democratic Reforms and another**⁶) in which it has been held that it was incumbent upon every candidate to give information about his assets and other affairs, as every voter has a right to know about the details of the candidate and such a requirement is also covered by Article 19(1)(a) of the Constitution of India. The paragraph 46 of the judgment states as under:-

“46. To sum up the legal and constitutional position which emerges from the aforesaid discussion, it can be stated that:

1. The jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word “elections” is used in a wide sense to include the entire process of election which consists of several stages and embraces many steps.

2. The limitation on plenary character of power is when Parliament or State Legislature has made a valid law relating to or in connection with elections, the Commission is required to act in conformity with the said provisions. In case where law is

⁶ (2002) 5 SCC 294

silent, Article 324 is a reservoir of power to act for the avowed purpose of having free and fair election. The Constitution has taken care of leaving scope for exercise of residuary power by the Commission in its own right as a creature of the Constitution in the infinite variety of situations that may emerge from time to time in a large democracy, as every contingency could not be foreseen or anticipated by the enacted laws or the rules. By issuing necessary directions, the Commission can fill the vacuum till there is legislation on the subject. In *Kanhiya Lal Omar case*⁷ the Court construed the expression “superintendence, direction and control” in Article 324(1) and held that a direction may mean an order issued to a particular individual or a precept which many may have to follow and it may be a specific or a general order and such phrase should be construed liberally empowering the Election Commission to issue such orders.

3. The word “elections” includes the entire process of election which consists of several stages and it embraces many steps, some of which may have an important bearing on the process of choosing a candidate. Fair election contemplates disclosure by the candidate of his past including the assets held by him so as to give a proper choice to the candidate according to his thinking and opinion. As stated earlier, in *Common Cause case*⁸ the Court dealt with a contention that elections in the country are fought with the help of money power which is gathered from black sources and once elected to power, it becomes easy to collect tons of black money, which is used for retaining power and for re-election. If on an affidavit a candidate is required to disclose the assets held by him at the time of election, the voter can decide whether he could be re-elected even in case where he has collected tons of money.

Presuming, as contended by the learned Senior Counsel Mr Ashwani Kumar, that this condition may not be much effective for breaking a vicious circle which has polluted the basic democracy in the country as the amount would be unaccounted. Maybe true, still this would have its own effect as a step-in-aid and voters may not elect law-breakers as law-makers and some flowers of democracy may blossom.

⁷ (1985) 4 SCC 628

⁸ (1996) 2 SCC 752

4. To maintain the purity of elections and in particular to bring transparency in the process of election, the Commission can ask the candidates about the expenditure incurred by the political parties and this transparency in the process of election would include transparency of a candidate who seeks election or re-election. In a democracy, the electoral process has a strategic role. The little man of this country would have basic elementary right to know full particulars of a candidate who is to represent him in Parliament where laws to bind his liberty and property may be enacted.

5. The right to get information in democracy is recognised all throughout and it is a natural right flowing from the concept of democracy. At this stage, we would refer to Article 19(1) and (2) of the International Covenant on Civil and Political Rights, which is as under:

“(1) Everyone shall have the right to hold opinions without interference.

(2) Everyone shall have the right to freedom of expression; *this right shall include freedom to seek, receive and impart information and ideas of all kinds*, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

6. On cumulative reading of a plethora of decisions of this Court as referred to, it is clear that if the field meant for legislature and executive is left unoccupied detrimental to the public interest, this Court would have ample jurisdiction under Article 32 read with Articles 141 and 142 of the Constitution to issue necessary directions to the executive to subserve public interest.

7. Under our Constitution, Article 19(1)(a) provides for freedom of speech and expression. Voter's speech or expression in case of election would include casting of votes, that is to say, voter speaks out or expresses by casting vote. For this purpose, information about the candidate to be selected is a must. Voter's (little man — citizen's) right to know antecedents including criminal past of his candidate contesting election for MP or MLA is much more fundamental and basic for survival of democracy. The little man may think over before

making his choice of electing law-breakers as law-makers.”

(22) Thereafter Supreme Court issued directions for filing affidavit to the election commission from each candidate seeking election to parliament or state legislature as part of his nomination paper furnishing therein information on the following aspect in relation to his/her candidature.

“**48.**(1) Whether the candidate is convicted/ acquitted/discharged of any criminal offence in the past — if any, whether he is punished with imprisonment or fine.

(2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.

(3) The assets (immovable, movable, bank balance, etc.) of a candidate and of his/her spouse and that of dependants.

(4) Liabilities, if any, particularly whether there are any overdues of any public financial institution or government dues.

(5) The educational qualifications of the candidate.”

(23) In compliance of above-stated judgment, Section 33-A of RP Act was introduced by Act No. 72 of 2002 w.e.f. 24.08.2002 in RP Act, 1951 likewise Section 33-B was also inserted by Act No. 72 of 2002 w.e.f. 02.05.2002 in the said Act. Section 33-B was struck down by Supreme Court in

case of **People's Union for Civil Liberty and others v. Union of India and others**⁹.

(24) The revised guidelines were issued by Election Commission of India on March 23, 2006 in supersession of earlier guidelines dated June 28, 2002. Paragraph 1 and 3 of this guidelines are relevant and hereby reproduced as under:-

“(1) Every candidate at the time of filing his nomination paper or any election to the Council of State, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to the matters specified by the Hon'ble Supreme Court and quoted in paras 13 and 14 above, in an affidavit, the format whereof is annexed hereto as Annexure-I to this order.

XX

XX

XX

(3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nomination such non-furnishing of the affidavit.”

(25) In the matter of **Resurgence India v. Election Commission of India**¹⁰, it has been held by their Lordships of the Supreme Court that the voter has been elementary right to know full particulars of the candidate, who is to represent him in the parliament or the assembly and such a right is universally recognized. Legal position is summarized in paragraph 27 as under:-

⁹ (2003) 4 SCC 999

¹⁰ AIR 2014 SC 344

“27. What emerges from the above discussion can be summarized in the form of following directions:

(i) The voter has the elementary right to know full particulars of a candidate who is to represent him in the Parliament/Assemblies and such right to get information is universally recognized. Thus, it is held that right to know about the candidate is a natural right flowing from the concept of democracy and is an integral part of Article [19\(1\)\(a\)](#) of the Constitution.

(ii) The ultimate purpose of filing of affidavit along with the nomination paper is to effectuate the fundamental right of the citizens under Article [19\(1\)\(a\)](#) of the Constitution of India. The citizens are supposed to have the necessary information at the time of filing of nomination paper and for that purpose, the Returning Officer can very well compel a candidate to furnish the relevant information.

(iii) Filing of affidavit with blank particulars will render the affidavit nugatory.

(iv) It is the duty of the Returning Officer to check whether the information required is fully furnished at the time of filing of affidavit with the nomination paper since such information is very vital for giving effect to the 'right to know' of the citizens. If a candidate fails to fill the blanks even after the reminder by the Returning Officer, the nomination paper is fit to be rejected. We do comprehend that the power of Returning Officer to reject the nomination paper must be exercised very sparingly but the bar should not be laid so high that the justice itself is prejudiced.

(v) We clarify to the extent that Para 73 of People's Union for Civil Liberties case (supra) will not come in the way of the Returning Officer to reject the nomination paper when affidavit is filed with blank particulars.

(vi) The candidate must take the minimum effort to explicitly remark as 'NIL' or 'Not Applicable' or 'Not known' in the columns and not to leave the particulars blank.

(vii) Filing of affidavit with blanks will be directly hit by Section [125A\(i\)](#) of the RP Act However, as the nomination paper itself is rejected by the Returning Officer, we find no reason why the candidate must be again penalized for the same act by prosecuting him/her.”

(26) Keeping in view the aforesaid authorities in mind and turning back to the pleading of the election petitioner with regard to the improper acceptance of the nomination paper which is pleaded in paragraph 12 as well as paragraph 17, 20 and 28 as under:-

“12. That from the above discussion it is clear that the true and correct information regarding Assets & Liabilities is mandated by the Hon’ble Supreme Court and it cannot be taken lightly. **A wrong information would also lead to rejection of nomination if it can be verified easily or admitted by the erring candidate.** The judgments of the Hon’ble Supreme Court in PUCL (supra) and Resurgence (supra) impliedly deal with the contingency of admission by the candidate to have filed a false affidavit which situation is present in the instant case. Thus, the nomination of the respondent No. 1 has been wrongly accepted and the result of the election has been materially affected by such improper acceptance of nomination as would be substantiated further.

17. That in the above affidavit dated 29/10/2013 the respondent No. 1 made a false statement in para 8 regarding liabilities towards electrical department/ company. The respondent No. 1 mentioned the word **“Zero”** in the said column of the affidavit which statement was totally false as on the said date the respondent No. 1 was having a due/liability of Rs. 45,120.00 to the Chhattisgarh State Electricity Distribution Company Ltd. (for short CSPDCL) as the outstanding dues towards the electricity bill of the personal house of the Respondent No. 1 situated at Sardi, Bikunthpur. A copy of the aforesaid electricity bill dated 03/10/2013 of the Respondent No. 1 is annexed as **Annexure A/7.** It is specifically submitted that on the date of filing of the affidavit along with nomination before the returning officer i.e. on 30/10/2013 the respondent No. 1 was having the outstanding dues of Rs. 45,120.00 to CSPDCL which fact has been deliberately concealed, suppressed and falsely stated in Para 8 of the Affidavit

by the Respondent No. 1. The above act of the Respondent No. 1 would be an 'electoral offence' as well as a 'corrupt practice' as defined under Section 123 of the R.P. Act.

20. That a wrong/false/incomplete information is actually no information in the eye of law. To say, that a candidate has fulfilled the requirement to file an affidavit/declaration, even if such affidavit contains a false or incomplete information, would militate against the very object of the directions issued by the Supreme Court in ADR (supra) and PUCL case (supra) and the Notification issued by the Election Commission pursuant thereto. The Respondent No. 1 by furnishing false information of having no liability and accepting his liability before the Returning Officer made his nomination liable to be rejected at once.

28. That in the instant case the facts are undisputed that on the date of filing of the nomination the respondent No. 1 was having an admitted due of Rs. 45,120.00/- and the said information was falsely and deliberately concealed. A false information was given in the affidavit that there were no governmental dues. Thus, the mandatory provisions of R.P. Act were clearly violated and the nomination of the respondent No. 1 was improperly accepted. The election of the respondent No. 1 is liable to be set-aside on this ground."

(27) A plain and careful reading of the above extracted paragraphs of the averment of the election petition would show that it is a case of the election petitioner that the respondent No.1/returned candidate was required to make disclosure of his liability/due of Rs. 45,120/- to the Chhattisgarh State Power Distribution Company Limited while submitting affidavit in prescribed form No.26 alongwith his nomination paper submitted on 30.10.2013, which he has not made and the re-

turned candidate/respondent No.1 not only suppressed the material facts but also at the time of scrutiny accepted his liability before the returning officer stating that he would clear the electricity dues and as such his nomination paper has improperly been accepted by the returning officer holding that the objection raised by the election petitioner is not of the substantive nature and thereby accepted the nomination paper of the returned candidate, which is in violation of the imperative guidelines/direction issued by the Election Commission of India pursuant to the judgment of the Supreme Court, thus the election of the returned candidate is liable to be declared void under Section 100(1)(d)(i) of the RP Act, 1951.

(28) Mr. Sharma, learned counsel for returned candidate relying upon the judgment of the Supreme Court in the matter of **Kishan Shankar Kathore Vs. Arun Dattatraya Sawant**¹¹, would submit that the non-payment of electricity bill to CSPDCL is not a material lapse leading to rejection of his nomination paper and, therefore, the returning officer is absolutely justified in not rejecting the nomination paper of the respondent No.1 for such a non-disclosure in the affidavit filed along with nomination paper. Mr. Sharma has invited atten-

¹¹ AIR 2014 SC 2069

tion of this Court to the opening part of paragraph 34 of the report to buttress his submission which states as under:-

“insofar as non-disclosure of electricity dues is concerned, in the given facts of the case we are of the opinion that it may not be the serious lapse.....”

(29) In the case before the Supreme Court it was held so, as in that case though the electricity dues were outstanding but at the same time there was bonafide dispute about the outstanding dues in respect of electricity meter was pending before the MSEB with respect to one meter and in respect to second meter that was rented out to the tenant and dues were payable by the tenants. Not only this, their Lordships have specifically held that the fact whether non-disclosure would amount to material lapse or not would depend in the facts & circumstances of each case by holding as under in the later part of said paragraph:-

“**34**.....Having said so, we may clarify that it would depend in the facts and circumstances of each case as to whether such a non-disclosure would amount to material lapse or not. We are, thus, clarifying that our aforesaid observation in the facts of the present case should not be treated as having general application.”

(30) Thus, keeping in view the binding observation of their Lordships of the Supreme Court it cannot be held that non-disclosure of the electricity dues is not a serious lapse as in the instant case the petitioner has specifically pleaded that re-

turned candidate has not made disclosure of the electricity dues of Rs. 45,120/- payable to the CSPDCL and sworn an affidavit in prescribed proforma and filed the same along with nomination paper showing the electricity dues to be Zero. Thus, the submission raised in this behalf by returned candidate deserves to be and is accordingly rejected.

(31) The next submission of Mr. Sharma, learned counsel for the returned candidate is that the condition attached with Section 100(1)(d)(i) of the RP Act that by improper acceptance of the nomination paper the result of the election in so far as returned candidate has been materially affected has not been pleaded and therefore petition cannot put to trial, placing reliance upon the decision of the Supreme Court in the matter of **Shambhu Prasad Sharma v. Charandas Mahant and others**¹². Paragraph 20 of the report states as under:-

“**20.** Coming to the allegation that other candidates had also not submitted affidavits in proper format, rendering the acceptance of their nomination papers improper, we need to point out that the appellant was required to not only allege material facts relevant to such improper acceptance, but further assert that the election of the returned candidate had been materially affected by such acceptance. There is no such assertion in the election petition. Mere improper acceptance assuming that any such improper acceptance was supported by assertion of material facts by the appellant-petitioner, would not disclose a cause of action to call for trial of the election petition on merit unless the

¹² (2012) 11 SCC 390

same is alleged to have materially affected the result of the returned candidate.”

(32) Mr. Kanak Tiwari, learned Senior Counsel for election petitioner replying the above-stated submission made by returned candidate and placing reliance in case of Kisan Shankar Kathore (supra), would submit that in the aforesaid case the election of returned candidate was challenged under Section 100(1)(d)(i) &(iv) of the RP Act, 1951 on the ground that returned candidate had suppressed his dues payable to government (MSEB) in respect of two service connection, the Bombay High Court finding that the returned candidate had failed to disclose dues to the MSEB declared the election of returned candidate void and up-holding the said order it has been held by their Lordships of the Supreme Court that once it is found that it was a case of improper acceptance of the nomination paper, the election of the returned candidate is void, therefore though sufficient pleading has been made in paragraph twelve of the election petition with respect to election, being materially affected yet in view of the decision of the Supreme Court in case of Kisan Shankar Kathore (supra), it cannot be held that the petition lacks necessary pleading with regard to result of the election is materially affected and the same is liable to be dismissed for want of nec-

essary pleading with respect to election of the returned candidate being materially affected on account of improper acceptance of the nomination paper.

(33) In the matter of **Kisan Shankar Kathore** (supra) the following two questions were formulated by their Lordships in paragraph 32 of the judgment:-

“32. In view of the aforesaid, two facets of the issue, which require consideration, are as follows:

a) Whether there is a substantial compliance in disclosing the requisite information in the affidavits filed by the Appellant along with the nomination paper?

b) Whether non-disclosure of the information on account of aforesaid four aspects has materially affected the result of the election?”

(34) Answering the issue it has been held in paragraph 38 of judgment as under:-

“38. When the information is given by a candidate in the affidavit filed along with the nomination paper and objections are raised thereto questioning the correctness of the information or alleging that there is non-disclosure of certain important information, it may not be possible for the returning officer at that time to conduct a detailed examination. Summary enquiry may not suffice. Present case is itself an example which loudly demonstrates this. At the same time, it would not be possible for the Returning Officer to reject the nomination for want of verification about the allegations made by the objector. In such a case, when ultimately it is proved that it was a case of non-disclosure and either the affidavit was false or it did not contain complete information leading to suppression, it can be held at that stage that the nomination was improperly accepted. Ms. Meenakshi Arora, learned senior Counsel appearing for the Election Commission, right argued that such an enquiry can be only at a later stage and the appropriate stage would be in an election pe-

tion as in the instant case, when the election is challenged. The grounds stated in Section [36\(2\)](#) are those which can be examined there and then and on that basis the Returning Officer would be in a position to reject the nomination. Likewise, where the blanks are left in an affidavit, nomination can be rejected there and then. In other cases where detailed enquiry is needed, it would depend upon the outcome thereof, in an election petition, as to whether the nomination was properly accepted or it was a case of improper acceptance. Once it is found that it was a case of improper acceptance, as there was misinformation or suppression of material information, one can state that question of rejection in such a case was only deferred to a later date. When the Court gives such a finding, which would have resulted in rejection, the effect would be same, namely, such a candidate was not entitled to contest and the election is void. Otherwise, it would be an anomalous situation that even when criminal proceedings under Section [125A](#) of the Act can be initiated and the selected candidate is criminally prosecuted and convicted, but the result of his election cannot be questioned. This cannot be countenanced.”

(35) Thus in the said judgment it has clearly been held by the Supreme Court that once it is found that it was a case of improper acceptance of the nomination paper as there was misinformation or suppression of material information, and the court trying the election petition returns such a finding, the election of the returned candidate would be void.

(36) Keeping in mind the principles of law laid down by their Lordships of the Supreme Court in the above-stated case **Kisan Shankar Kathore** (supra) it would clear that the election petitioner has clearly made out a case in pleading that the returned candidate was legally obliged to furnish informa-

tion in his affidavit in the prescribed form filed alongwith the nomination paper, the governmental dues relating to electricity dues of Rs. 45,120/- payable to the CSPDCL which he has not made disclosure while filing affidavit along with his nomination paper and same has been accepted by the returning officer on the statement made by him that he would clear the electricity dues. Therefore, the petitioner has averred concise statement of material facts relating to ground under Section 100 (1)(d)(i) of the RP Act, 1951 to declare the election of respondent No. 1 as void. Thus the submission of learned counsel for the returned candidate, that the election petition lack particulars in pleadings as required under Section 83(1)(a) of the RP Act, 1951, sans merit and deserves to be rejected and accordingly rejected, this question is answered accordingly.

Re-question No. 3

(37) The determination of the aforesaid question leads me to the next question whether the election petition has set forth full particulars of corrupt practice of undue influence with a full statement as required under Section 83(1)(b) of the RP Act, 1951?

(38) It is a case of returned candidate highlighted in an application under Order 7 Rule 11 CPC that alleged non-payment of electricity dues to the CSPDCL in time and filing of the affidavit with the nomination paper do not come within the purview of undue influence of corrupt practice under Section 123(2) of the RP Act, 1951 and as such there is no material facts pleaded within the meaning of Section 83(1)(b) of the RP Act, 1951 calling for trial of this election petition on this ground.

(39) However, it is a case of election petitioner that failure to disclose a Governmental liability of Rs. 45,120/- would certainly interfere with the freedom of choice of voter as he may be carried out by the non-disclosure of false or incorrect information and enquiry can be made by this Court in this petition to see the nature of information suppressed or supplied, to find out if it was capable of influencing the freedom of choice of the voters. If the false, incorrect or incomplete information was capable of influencing the freedom of choice of the voters, then it will fall under the category of “undue influence” within the meaning of Section 123(2) of the RP Act, 1951. The failure to furnish “full and complete information” is an undue influence on the voters and is a corrupt practice rendering the election liable to be set aside.

(40) At this stage it would be profitable to notice provision contained in Section 123(2) of the RP Act, 1951 that is undue influence:-

“123. Corrupt practices : The following shall be deemed to be corrupt practices for the purposes of this Act:-

xx

xx

xx

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person 7 [with the consent of the candidate or his election agent], with the free exercise of any electoral right:

Provided that-

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who-

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.”

(41) From a meaningful reading of the above-extracted definition would show that it is an essential ingredient of the corrupt practice of “undue influence” under sub-section (2) of

Section 123 of RP Act, 1951, that there should be any “direct or indirect interference or attempt to interfere” on the part of candidate or his agent or of any other person with the consent of the candidate or his agent “with the free exercise of any electoral right”. Therefore, for the purpose of establishing the corrupt practice of “undue influence” to allege and prove that there was any direct or indirect interference or attempt to interfere with the exercise of any electoral right.

(42) In the matter of **Kashi Nath v. Kudsia Begum and others**¹³, their Lordships of the Supreme Court while considering the definition of undue influence observed as under:-

“5. Now Section 123(2) defines “undue influence” as meaning any direct or indirect interference or attempt to interfere on the part of the candidate or his agent or of any other person with the consent of the candidate or his selection agent with the free exercise of any electoral right. According to proviso a(i) any such person referred to above who threatens any candidate or any elector, inter alia, with injury of any kind shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector.....”

(43) In **Shiv Kirpal Singh v. Shri V.V. Giri**¹⁴, their Lordships of the Supreme Court has pertinently held as under:-

“Accordingly, the offence of undue influence can be said to have been committed only if the voter is put under a threat or fear of some adverse consequence, or if he is induced to believe that he will become an object of Divine displeasure or spiritual censure if he casts or does not cast a vote in accordance with his decision:

¹³ (1970) 3 SCC 554

¹⁴ (1970) 2 SCC 567

“... But, in cases where the only act done is for the purpose of convincing the voter that a particular candidate is not the proper candidate to whom the vote should be given, that act cannot be held to be one which interferes with the free exercise of the electoral right.”

(44) The Constitution Bench of the Supreme Court in the matter of **Charan Lal Sahu v. Giani Jail Singh and another**¹⁵, while considering the “undue influence” as enumerated in Section 18(1) of the Presidential and Vice-Presidential Elections Act, 1952, emphasising the need of precise, specific and unambiguous pleading of corrupt practice particularly with reference to undue influence stated as under:-

“35. The gravamen of this section is that there must be interference or attempted interference with the “free exercise” of any electoral right. “Electoral right” is defined by Section 171-A(b) to mean the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election. In so far as is relevant for our purpose, the election petition must show that Shri Beg interfered with the free exercise of the voters’ right to vote at the Presidential election. The petition does not allege or show that Shri Beg interfered in any manner with the free exercise of the right of the voters to vote according to their choice or conscience.....”

In the later part, their Lordships further held:-

“Therefore, in order that the offence of undue influence can be said to have been made out within the meaning of Section 171-C of the Penal Code, something more than the mere act of canvassing for a candidate must be shown to have been done by the offender. That something more may, for example, be in the nature of a threat of an injury to a candidate or a voter as stated in sub-section (2)(a) of Section 171-C of the Penal Code or, it may consist of inducing a be-

¹⁵ (1984) 1 SCC 390

lief of Divine displeasure in the mind of a candidate or a voter as stated in sub-section (2)(b). The act alleged as constituting undue influence must be in the nature of a pressure or tyranny on the mind of the candidate or the voter. It is not possible to enumerate exhaustively the diverse categories of acts which fall within the definition of undue influence. It is enough for our purpose to say, that of one thing there can be no doubt: The mere act of canvassing for a candidate cannot amount to undue influence within the meaning of Section 171-C of the Penal Code.”

(45) Principles laid down in the matter of **Charan Lal Sahu**

(supra) has been followed by Constitution Bench in the matter

of **Mithilesh Kumar v. R. Venkataraman and others**¹⁶.

Thereafter, the Supreme Court in the matter of **Lalit Kishore**

Chaturvedi v. Jagdish Prasad Thada and others¹⁷ while

dealing with the undue influence as stated in Section 123(2)

of the Act succinctly held as under:-

“11. Although much was argued on Section 123(2) but no specific pleading could be pointed out in this regard. No details of undue influence or direct or indirect interference by the appellant, or his agent, with his consent with free exercise of electoral right was raised. In fact guilt under Section 123(2) was attempted to be made on same pleading, namely, paragraphs 3(i), (j). The ingredients of the two being different they were to be pleaded specifically and the details were to be furnished separately to give a clear picture of cause of action. Undue influence is an inference which arises on facts pleaded and proved. Mere averment that appellant exercised undue influence in absence of precise facts, namely, the nature of such influence, the persons on whom it was exercised and time and place of it the pleadings in paragraphs (i) and (j) fell short of the requirement in law. Allegations fishing and roving, as were pleaded in this case could not be said to be sufficient compliance of Section 83(1)(b).”

¹⁶ 1987 (Supp) SCC 692

¹⁷ 1990 (Supp) SCC 248

(46) Very recently in the matter of Krishnamoorthy v. Sivakumar & Ors¹⁸, their Lordships of the Supreme Court has noticed and considered earlier judgments of the Supreme Court on the point of undue influence and culled out the following principles as under:-

“53. From the aforesaid authorities, the following principles can be culled out:

(i) The words "undue influence" are not to be understood or conferred a meaning in the context of English statute.

(ii) The Indian election law pays regard to the use of such influence having the tendency to bring about the result that has contemplated in the clause.

(iii) If an act which is calculated to interfere with the free exercise of electoral right, is the true and effective test whether or not a candidate is guilty of undue influence.

(iv) The words "direct or indirect" used in the provision have their significance and they are to be applied bearing in mind the factual context.

(v) Canvassing by a Minister or an issue of a whip in the form of a request is permissible unless there is compulsion on the electorate to vote in the manner indicated.

(vi) The structure of the provisions contained in Section [171-C](#) of Indian Penal Code are to be kept in view while appreciating the expression of 'undue influence' used in Section [123\(2\)](#) of the 1951 Act.

(vii) The two provisos added to Section [123\(2\)](#) do not take away the effect of the principal or main provision.

(viii) Freedom in the exercise of judgment which engulfs a voter's right, a free choice, in selecting the candidate whom he believes to be best fitted to represent the constituency, has to be given due weightage.

¹⁸ JT 2015(2) SC 273

(ix) There should never be tyranny over the mind which would put fetters and scuttle the free exercise of an electorate.

(x) The concept of undue influence applies at both the stages, namely, pre-voting and at the time of casting of vote.

(xi) "Undue influence" is not to be equated with "proper influence" and, therefore, legitimate canvassing is permissible in a democratic set up.

(xii) Free exercise of electoral right has a nexus with direct or indirect interference or attempt to interfere."

(47) In order to examine the averments made in the election petition whether it discloses any triable cause of action for setting aside the election on the ground of corrupt practice of undue influence, it would be proper to notice the averment made in the election petition in this regard paragraphs 31(c) and 32 of petition relates to undue influence is reproduced here for sake of convenience, which states as under:-

"31. That the following propositions emerge out of the statutory provisions as well as the law laid down by the Apex Court:-

xx

xx

xx

(c) However, if a candidate furnishes incomplete, incorrect or false information or fails to furnish full and complete information, with regard to those five matters, in his affidavit/declaration, it would be a ground for the Election Judge to set aside the election under Section 100(1) (b) of the RP Act, if the information so furnished or withheld, would amount to "undue influence" within the meaning of Section 123(2) of the Representation of the People Act, 1951. Therefore this Hon'ble Court can go into the question whether full and complete information was furnished by the returned candidate in his affidavit/declaration and whether the information furnished/withheld is of such a nature, as to interfere with the free exercise of the electoral right, including the free choice of the candidate.

32. That an incorrect statement relating to the educational qualification of the candidate may not swing the choice of the voter either in his favour or away from him. Similarly, the omission of a candidate to disclose an acquittal or discharge in a criminal case, may not also swing the votes. But the failure to disclose a governmental liability of thousands of rupees (Rs. 45,120.00 in this case) would certainly interfere with the freedom of choice of the voter, as he may be carried away by such non disclosure or disclosure of false or incorrect information. Therefore, it will be open to the this Hon'ble Court to see the nature of the information suppressed or supplied, to find out if it was capable of influencing the freedom of choice of the voters. If the false, incorrect or incomplete information was capable of influencing the freedom of choice of the voters, then it will fall under the category of "undue influence" within the meaning of Section 123(2) of the Representation of the People Act, 1951. The failure to furnish "full and complete information" is an undue influence on the voters and is a corrupt practice rendering the election liable to be set aside."

(48) At this point it would be appropriate to notice the importance of pleading in the election petition, highlighted by the Constitution Bench of the Supreme Court in the matter of **Charan Lal Sahu** (supra) with reference to corrupt practice of undue influence which states as under:-

"30.....It is not open to a petitioner in an election petition to plead in terms of synonyms. In these petitions, pleadings have to be precise, specific and unambiguous so as to put the respondent on notice. The rule of pleadings that facts constituting the cause of action must be specifically pleaded is as fundamental as it is elementary....."

31. The importance of a specific pleading in these matters can be appreciated only if it is realised that the absence of a specific plea puts the respondent at a greater disadvantage. He must know what case he has to meet. He cannot be kept guessing whether the petitioner means what he says, 'connivance' here, or

whether the petitioner has used that expression as meaning 'consent'. It is remarkable that, in their petition, the petitioners have furnished no particulars of the alleged consent, if what is meant by the use of the word connivance is consent. They cannot be allowed to keep their options open until the trial and adduce such evidence of consent as seems convenient and comes handy. That is the importance of precision in pleadings, particularly in election petitions. Accordingly, it is impermissible to substitute the word 'consent' for the word 'connivance' which occurs in the pleadings of the petitioners.

33. Since, admittedly, there is no pleading in the election petition that the offence of undue influence was committed with the consent of the returned candidate, the petition must be held to disclose no cause of action for setting aside the election of the returned candidate under Section 18(1)(a) of the Act."

(49) A combined and conjoint reading of the above-extracted averment of election petition relating to undue influence it would show the election petitioner has averred and alleged that failure to disclose a governmental liability of Rs. 45,120/- would certainly interfere with the freedom of choice of voters as he may be carried out by such non-disclosure or disclosure of false or incorrect information. The election petitioner has further alleged that it is for the court to find out upon enquiry whether such non-disclosure of requisite information was capable of influencing the freedom of choice of voters and if upon the enquiry the court comes to the conclusion that such non-disclosure of information was capable of influencing the freedom of the choice of the voters, then it will fall under the category of undue influence within the meaning of Section

123(2) of the RP Act, 1951. The election petitioner in his petition doesn't allege affirmatively that the non-disclosure of such an information by the returned candidate has interfered with the free exercise of the voters right to vote at the election according to their choice. Likewise the petition doesn't allege that the such an non-disclosure of the requisite information by the returned candidate was capable of influencing the freedom of choice of voters to vote at the election and the petitioner has left it open to be enquired into and to be decided upon enquiry by the court.

(50) Applying the principles of law laid down by the Supreme Court in above-mentioned judgments with regard to pleading of corrupt practice of "undue influence", it is quite vivid that the election petitioner has utterly and miserably failed to plead precise fact constituting corrupt practice of "undue influence", namely the nature of such inference, the persons on whom it was exercised and time and place of it in the pleading as no details of the undue influence or direct or indirect interference by the returned candidate or his agent has been raised in the petition and a mere allegation that non-disclosure of the alleged information in a affidavit filed alongwith the nomination cannot be said to fall within the mischief of subsection (2) of Section 123 of the RP Act, 1951, that would not

by itself amount to interference or attempt at interference with the free exercise of an electoral right, as undue influence is an inference and the Act constituting undue influence must be in the nature of pressure or tyranny on the mind of voter.

(51) At this stage, it would be appropriate to notice, the principle of law laid down by Supreme Court in **Anil Vasudev Salgaonkar** (supra) in which it has been held, that the failure to place even a single material facts amounts to disobedience of the mandate of Section 83(1) (a) of the RP Act, 1951. The report states as under:-

“59. In the context of a charge of corrupt practice, “material facts” would mean all basic facts constituting the ingredients of the particular corrupt practice alleged, which the petitioner (the respondent herein) is bound to substantiate before he can succeed on that charge. It is also well settled that if “material facts” are missing they cannot be supplied after expiry of period of limitation for filing the election petition and the pleading becomes deficient.

61. The legal position has been crystallised by a series of the judgments of this Court that all those facts which are essential to clothe the election petitioner with a complete cause of action are “material facts” which must be pleaded, and the failure to place even a single material fact amounts to disobedience of the mandate of Section 83(1)(a) of the Act.”

(52) On the basis of above-mentioned legal analysis, it is held that election petitioner has failed to plead material facts constituting the ingredient of corrupt practice of undue influence within the meaning of Section 123(2) of the RP Act,

1951 as mandated under Section 83(1) (b) of the Act. It must be further held that pleadings relating to ground stated in Section 100(1)(b) of the Act do not disclose any cause of action calling for trial, therefore the election petition so far as it relates to ground stated in Section 100(1)(b) of the Act must be rejected. However, in view of conclusion reached hereinabove, I deem it inappropriate to examine the issue of defective affidavit raised on behalf of returned candidate/respondent No.1 being unnecessary.

(53) As a fall out and consequence of the aforesaid discussion, the application filed by returned candidate/ respondent No.1 under Order 7 Rule 11 of the CPC is partly allowed and said application is disposed of in following terms:-

(i) That the election petition discloses a triable cause of action for ground stated in Section 100(1)(d)(i) of the RP Act, 1951.

(ii) That the election petition doesn't disclose a triable cause of action for ground stated in Section 100(1)(b) of the RP Act, 1951, accordingly paragraph 29 to 32 of the election petition relating to corrupt practice of undue influence along with other related pleadings stands struck off as such ground stated in Section 100(1)(b) of the Act is not available to the election petitioner to question the

validity of the election of the respondent No.1/returned candidate.

(54) No order as to cost(s).

Judge

Head Note***English***

(1) Application under Order 7 Rule 11 of the CPC is maintainable for summary disposal of election petition if no cause of action.

HINDI

(1) यदि कोई वाद हेतुक उत्पन्न नहीं है, तो चुनाव याचिका के संक्षिप्त निराकरण हेतु आवेदन अंतर्गत आदेश 7 नियम 11 व्य-प्र-स- पोषणीय है ।

(Amit Dubey)
Private Secretary

HIGH COURT OF CHHATTISGARH

Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal

Election Petition No. 01 of 2014

PETITIONER : Bedanti Tiwari

Versus

RESPONDENTS : Bhaiyalal Rajwade and others

-
ORDER

Post for pronouncement on .03.2014.

**Judge
.03.2015**