

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC
LAXMESHWAR**

PRESENT:SHRI. M.R. WADEYAR,

B.A. LLB.(Spl.)

**SENIOR CIVIL JUDGE & JMFC
Laxmeshwar**

Dated 14th day of August 2019

Election petition No.1/2018

PETITIONER:

Smt. Padma W/o Gulappa Majjigudda
Age: 29 years, Occ: Household work
R/o # 17/23 Hirebana, Hallad keri
Laxmeshwar,
Dist: Gadag-582-116

VS

RESPONDENTS:

1. Smt Manjula w/o Shantappa Gunjal
@ Paravati W/o Shantappa Hadpad
@ Manjula D/o Panchappa @
Panchakshari Navi
Age: 40 Years., Occ:Household
R/o C/o Subhash Burudi House
Kenchalapur Oni, Ward No.3,
Laxmeshwar, Dist: Gadag-582-116
and others 3

Parties on I.A.NO. II

APPLICANT:

(Respondent No.1)

1. Smt Manjula w/o Shantappa Gunjal
@ Paravati W/o Shantappa Hadpad
@ Manjula D/o Panchappa @
Panchakshari Navi
Age: 40 Years., Occ:Household
R/o C/o Subhash Burudi House
Kenchalapur Oni, Ward No.3,
Laxmeshwar, Dist: Gadag-582-116
and others 3

VS

RESPONDENT:

(Petitioner)

Smt. Padma W/o Gulappa Majjigudda
Age: 29 years, Occ: Household work
R/o # 17/23 Hirebana, Hallad keru
Laxmeshwar,
Dist: Gadag-582-116

ORDERS ON IA No.II

Petitioner has filed this petition against respondents
for the relief of declaration to declared that, election
result declared on 03-09-2018 shall be declared as null

and vide there by winning of the respondent No.1 shall be canceled.

2. On service of notice respondent No.1 has appeared and filed her objection stating that, there is no any illegality or irregularity in announcement of the result, petitioner filed by the petition is not maintainable accordingly prayed to reject the petition. Respondent No.2 to 4 have not appeared instead of service of noticed hence place ex-parte.

3. Evidence of petitioner is recorded as PW-1 and case is posted for further chief examination of PW-1, meantime respondent No.1 filed this IA No.II u/o 7 rule 11 of CPC with prayer to reject the main petition contending that, election petition is not contenting concise statement of the material of facts, petitioner has relied upon corrupt practice, allegations made by the petitioner will not cover provisions of the section 123 representation of the people act 1951, affidavit is not

made before oath commissioner or Shirestedar, so that there is incurable mistake, petitioner has to personally furnish the petition but she has not appeared before the court, hence her petitioner is maintainable, accordingly prayed to reject the petition. On the other hand counsel for petitioner has not filed objection to this IA instead of granting sufficient time.

4. Heard the argument persuade the application and affidavit than the following points arose for my consideration:

POINTS

1. Whether the applicant/respondent No.1 has made out sufficient grounds to allow the IA No.II and reject the main petition?
2. What order?

5. My findings to the above points are as follows:

1. Point No.1: In the Negative
2. Point No.2: As per the final order for the following:

REASONS

6. **Point No.1:** As per case of the applicant/respondent No.1 petitioner has pleaded the corrupt practice, but there is no proof, further she has not furnished concise statement of material of facts. On perusal of the petition filed by the petitioner it is noticed that, she has pleaded the material facts in detail, so that it is not necessary to give material facts in concise, further as per case of the respondent No.1 she has not proved the corrupt practice only at the time of judgment court can assess that whether the sufficient evidence is given or not for proof of the corrupt practice, further as per case of the applicant/respondent No.1 petitioner has not appeared before the court, at the time of filling of this petition, so that her petition is not maintainable.

7. Further during argument counsel for applicant/respondent No.1 argued that, documents furnished by the petitioner are not signed by the issuing authority,

whether documents furnished by the petitioner are signed by the issuing authority or not will be considered at the time of final adjudication of the case, further whether such documents shall be considered or not will be seen at the time of final adjudication of the case and said fact shall not be discussed and considered at this time.

8. On perusal of the order sheet it is noticed that, very petition is filed before this court on 18-09-2018, it is noticed that on the very day petitioner has appeared before the Shirestedar of this court and filed her verification affidavit, under such circumstance it is not possible to say that petitioner has not appeared before this court at the time of filling of this petition, for all these reasons this court come to the conclusion that applicant/respondent No.1 has not made out sufficient grounds to allow the IA and reject the main petition filed by the petitioner, with these views I have answered the above **point No.1 in the Negative.**

9. **Point No.2:** For the reasons assigned in the above point No.1 court proceed to pass the following:

ORDER

IA No.II filed by the applicant/ respondent No.1 u/o 7 rule 11 of CPC is hereby rejected.

Parties have to bear their own cost.

(Dictated to the stenographer transcribed by her, corrected by me and then pronounced in the Open Court on this 14th day of August 2019)

Senior Civil Judge and JMFC
Laxmeshwar