

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.6110 OF 2024
(Arising out of SLP(C)No.12478 of 2023)

KHURAIJAM LOKEN SINGH

... APPELLANT

Versus

OINAM LUKHOI SINGH & ANR.

... RESPONDENTS

O R D E R

1. Leave granted.

2. The appellant (Khuraijam Loken Singh) was declared elected from the 22-Wangoi Assembly Constituency in the State of Manipur on 10.03.2022. Respondent No.1 was the unsuccessful contestant.

3. Respondent No.1 filed Election Petition No.19/2022 on 05.05.2022 before the Manipur High Court to set aside the result of the election in Form 20 of 22-Wangoi Assembly Constituency from where the appellant was elected. In the Election Petition, the appellant moved a Miscellaneous Application being MC (Election Petition) No.188/2022 on 19.10.2022 seeking dismissal of the Election Petition for non-compliance of the mandatory provisions contained in Section 81(3) and 83 of the Representation of Peoples Act, 1951. The appellant's allegation in the application was, *inter alia*, to the effect that in para 34 of the Election Petition alleging the commission of corrupt practices by him, no specific averments were made and there was no affidavit as per Form-25,

filed in support of such allegation of corrupt practices.

4. The application moved by the appellant, referred to above, has been dismissed by the High Court vide impugned order dated 29.05.2023, giving rise to the instant appeal.

5. When the Special Leave Petition came up for hearing on 06.07.2023, the following order was passed by this Court:

"1 Para 34 of the Election Petition filed by the respondent to challenge the election of the petitioner contains the following averments:

34. That, it is further reiterated that the Respondent No.1. has committed various corrupt practices as defined under Section 123 of the Representation of the People Act, 1951. Hence, the election of the Respondent No.1 is also liable to be set aside under Section 100(1)(b) of the Representation of the People Act, 1951."

2 Mr Jaideep Gupta, senior counsel appearing on behalf of the petitioner submits that in breach of Section 83 of the Representation of the People Act 1951, there are absolutely no particulars of the alleged corrupt practices apart from the vague statement which is contained in para 34. Moreover, no affidavit has been filed as required by the proviso to Section 83(1).

3 Issue notice returnable in four weeks.

4 Dasti service, in addition, is permitted

5 Pending further orders, there shall be a stay of the proceedings in Election Petition No 19 of 2022."

6. When the appeal was taken up for hearing today, learned Senior Counsel for the respondent-election petitioner, at the outset, states at the bar that the respondent shall amend his Election Petition and delete para No.34 from the said petition. He undertakes to move an appropriate application in this regard within a week.

7. That being so, we dispose of the instant appeal in the following terms:

(i) The High Court shall permit respondent No.1 to amend the Election Petition to delete para No.34 from there in its entirety.

(ii) Consequently, the issue, if any, already framed by the High Court, regarding the commission of corrupt practices by the appellant, shall be deemed to have been set aside/recalled.

(iii) The parties shall again be heard on the question of whether respondent No.1 has made necessary averments in support of his plea of corrupt practices allegedly adopted by the appellant.

(iv) If the High Court finds that the requisite averments to that effect have been made, the High Court may re-frame the issue of corrupt practices and proceed further as per law. However, if the High Court finds that after deletion of para No.34, the Election Petition lacks any material averment with regard to the allegation of corrupt practices, there would be no need to frame the issue, as observed above.

8. The fate of the prayer clause contained in para 42(d) of the Election Petition will depend upon the order that may be passed by the High Court on the question of corrupt practices, as directed above.

9. In view of the above, interim stay of the proceedings of Election Petition No 19 of 2022, granted on 06.07.2023, stands vacated.

10. The parties may pursue their remedies accordingly before the High Court.

11. As a sequel to the above, the pending interlocutory application stands disposed of.

.....J.
(SURYA KANT)

.....J.
(K.V. VISWANATHAN)

NEW DELHI;
MAY 07, 2024.

ITEM NO.5

COURT NO.4

SECTION XIV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).12478/2023

(Arising out of impugned final judgment and order dated 29-05-2023 in MC(El.Pet.) No.188/2022 passed by the High Court of Manipur at Imphal)

KHURAIJAM LOKEN SINGH

Petitioner(s)

VERSUS

OINAM LUKHOI SINGH & ANR.

Respondent(s)

(ONLY IA NO. 82817/2024 IS LISTED UNDER THIS ITEM.

IA No.82817/2024 - APPLICATION FOR VACATION OF INTERIM ORDER)

Date : 07-05-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Jaideep Gupta, Sr.Adv.
Mr. Sapam Biswajit Meitei, Sr.Adv.
Ms. Punam Kumari, Adv.
Mr. Shantwanu Singh, AOR

For Respondent(s) Mr. Gaurav Agarwal, Sr.Adv.
Mr. Sujay Jain, Adv.
Mr. Anjuman Tripathy, AOR

Mr. David Ahongsangbam, Adv.
Mr. Raj Singh, Adv.
Mr. Mohan Singh, Adv.
Ms. Rajkumari Banju, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

As a sequel to the above, the pending interlocutory application stands disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)

(Signed order is placed on the file)

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For Respondent(s) Mr. Anjuman Tripathy, AOR

Mr. David Ahongsangbam, Adv.
Mr. Raj Singh, Adv.
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