



HIGH COURT OF CHHATTISGARH AT BILASPUR

EP No. 9 of 2024

PREM PRAKASH PANDEY **versus** DEVENDRA YADAV

Order Sheet

21.08.2024	Mr. Devashish Tiwari, counsel for the petitioner. Mr. B.P. Sharma, Advocate along with Mr. M.L. Sakat, counsel for respondent. The election petitioner as well as respondent No. 1 have proposed issues. After going through the proposed issues submitted by both the parties, the following proposed issues are framed in the present election petition :- 1. Whether the nomination paper of respondent No. 1 (returned candidate) was improperly accepted by the returning officer contrary to the provisions of Representation of People Act, 1951 and rules made thereunder and acceptance of nomination paper materially effected the result of election ?

2. Whether the respondent No. 1(returned candidate) has furnished all statutory information required under the Representation of People Act, 1951 and rules made there under and whether it would come within the purview of electoral offence ?
3. Whether the respondent No. 1 or his agent or by any person with his consent made publication or statement of false facts regarding conduct or personal character of the petitioner and it would come within the definition of corrupt practice under Section 123 of the People Act, 1951 ?
4. Whether the election petition filed by the petitioner fulfills the mandatory requirement of Section 83 of the Representation of the People Act, 1951 and its effect on the Election Petition ?
5. Whether the petitioner is entitled for declaration as sought for ?

Mr. B.P. Sharma, Advocate, would submit that in the present petition, the following applications have been filed :-

- i. I.A. No. 5 of 2024, an application under order VII Rule XIV(3) read with Section 151 of the CPC for placing on record additional documents on behalf of the petitioner,
- ii. I.A. No. 6 of 2024, an application under Order VIII Rule 9 read with Section 151 of the CPC on behalf of the election petitioner seeking leave to file a rejoinder to the preliminary objection raised in the written statement,
- iii. I.A. No. 8 of 2024, an application for summoning formal witnesses for and on behalf of the petitioner under order XVI

Rule 2 of CPC.

Mr. Sharma, would pray for and is granted four weeks' time to file reply on the above stated applications moved by the election petitioner.

Call this election petition on **12th September, 2024.**

**Sd/-
(Rakesh Mohan Pandey)
Judge**