

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

EL.PET. No. 7 of 2022

With
El.Recr.Pet. No. 5 of 2022

Okram Joy Singh

Petitioner/s

Vs.

Karam Shyam & anr.

Respondent/s

BEFORE
**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
(ORDER)**

03.02.2026

Captioned election petition and Election Recr. petition are being taken up and heard out together.

2. Mr. H. S. Paonam, learned senior counsel instructed by Mr. S. Gunabanta, learned counsel on record in election petition and Mr. A. Mohendro, learned counsel along with Mr. Kh. Lupenjit, learned counsel for returned candidate are before this Court.

3. This proceedings/order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listings on 25.11.2025 and 16.12. 2025 which read as follows:

'25.11.2025

In hearing today Mr. H. S. Paonam, learned senior advocate instructed by Mr. S. Gunabanta, learned counsel on behalf of election petitioner and Mr. A. Mohendro, learned counsel on behalf of returned candidate (first respondent)-Shri Karam Shyam Singh are before this Court.

2. Issue now is regarding the other respondent Shri Karam Nabakishor Singh as notwithstanding earlier proceedings dated 13.10.2025, learned counsel on record for election petitioner is unable to assist this Court on this. However from the case file, it is seen that Mr. Abdul Bagee Khan and Mr. Syed Murtaza, learned Advocates have been filed a Vakalatnama dated 19.10.2022 on behalf of Shri Karam Nabakishor Singh but their names are not shown in the cause list. There is also a judicial order dated 30.08.2022 setting R3 ex-parte but this order does not mention the name of respondent No.3. To be noted, one Shri Hijam Somorendro Singh who was respondent No.2 when election petition was filed was since deleted vide a Judicial Order dated 25.04.2024 made in this MC (El. Pet.) No. 18 of 2024, this means that there are only two respondents namely returned candidate Shri Karam Shyam Singh and Mr. Karam Nabakishor Singh, as already alluded to supra, the position regarding service and as to whether he has entered appearance through counsel is not clear/certain. Let Registry put up a note and let counsel on record for the election petitioner assist this Court in next listing which will be on 16.12.2025.

3. List on 16.12.2025. ‘

‘16.12.2025

Read this in conjunction with and in continuation of the earlier proceedings made in the previous listing on 25.11.2025.

Pursuant to afore-mentioned proceedings, Registry has put up a note dated 05.12.2025.

Be that as it may, in the hearing today, Mr. H.S. Paonam, learned senior advocate instructed by Mr. S. Gunabanta, learned counsel on record for the election petitioner (Shri Okram Joy Singh) and Mr. A. Mohendro, learned counsel for the returned candidate (Shri Karam Shyam) are before this Court.

Adverting to earlier proceedings dated 25.11.2025, both sides submitted that when the election petition was filed, there were 3(three) respondents, R1(Shri Karam Shyam/returned candidate), R2(Shri Hijam Somarendro Singh) and R3(Shri Karam Nabakishore Singh).

In and by an order dated 30.08.2022, R3(Shri Karam Nabakishore Singh) was set ex-parte. Thereafter, R3(Shri Karam Nabakishore Singh), filed an application being MC(El.Pet.) No. 7 of 2024 with a prayer to set-aside the order setting him ex-parte. On 25.04.2024, MC(El.Pet.) No. 7 of 2024 filed by R3(Shri Karam Nabakishore Singh), was disposed of as having become infructuous. This means that 30.08.2022 order operates. This also means that, Shri R3(Karam Nabakishore Singh), remains ex-parte.

This takes this order to Shri H. Somarendro Singh, who was R2 when the election petition was filed. In and by order dated 25.04.2024 made in MC(El. Pet. No. 18 of 2024), the name of Shri Hijam Somarendro Singh, was deleted.

The narrative thus far means that there is only 1 contesting respondent and that contesting respondent is the returned candidate (Shri Karam Shyam). The election petition will now proceed on this basis.

Captioned El.Recr.Pet. No. 5 of 2022 taken out by returned candidate has to be heard out. Mr. A. Mohendro, learned counsel is ready to make

submissions but Mr. S. Gunabanta, learned counsel for the election petitioner, requests for a short accommodation on the ground that he needs time to brief senior counsel Mr. H.S. Paonam,

This request is acceded to.

List after winter vacation.

List on 30.01.2026.'

4. The above proceedings/order make it clear that there are only two parties (now) in the captioned election petition and election recr. petition viz., election petitioner Shri Okram Joy Singh and returned candidate Shri Karam Shyam Singh.

5. Afore-referred learned counsel on both sides very fairly consented to have the election petition and election recr. petition taken up together and heard out together. By consenting for having election petition and election recr. petition taken up together, Mr. A. Mohendro, learned counsel for the returned candidate submitted that he will reserve his right to argue that he may have to let in evidence later. If this argument is made when election petition and election recr. petition are heard out together, this argument will be also considered and decided one way or other way by this Court. On this common platform, captioned election petition and recr. petition are taken up together.

6. As argument are to commence, this Court perused the issues. It is seen that as many as 14 (fourteen) issues have been framed on

18.07.2024 and this 18.7.2024 proceedings read as follows:

'18.07.2024

Mr. H.S. Paonam, learned senior counsel, appears on behalf of the petitioner; and Mr. A. Mohendro, learned counsel, appears on behalf of respondent No. 1 in EL.PET. No. 7 of 2022.

Having heard learned counsel appearing on behalf of the parties and perused the respective pleadings, the following issues are framed for determination in the present proceedings:-

1. Whether non-disclosure of non-agricultural lands under Patta No. 176/873 (New) covered by C S Dag No. 894/1015 of Village No. 70 Chajing Part I belonging to Respondent No. 1 (on which Residential Buildings of Respondent No. 1 stands) in the relevant Column of Part B Para 7(ii) of the Form-26 Affidavit submitted by the Respondent No. 1 filed along with the Nomination Paper for 20-Longthabal Assembly Constituency for the 12th Manipur Legislative Assembly Election, 2022 amounts to swearing of false affidavit/declaration with regard to the assets of a candidate, his/her spouse or dependents, constituting corrupt practice irrespective of the impact of such a false declaration on the election of the candidate? It may be presumed that a false declaration impacts the election in respect of election of 20-Longthabal Assembly Constituency which would materially affect the election of Respondent No. 1.
2. Whether disclosure of wrong educational qualification of Respondent No. 1 at para 10 of the Form-26 Affidavit submitted along with the Nomination Paper for 20-Longthabal Assembly Constituency for the 12th Manipur Legislative Assembly Election, 2022 amounts to swearing of false affidavit/declaration with regard to the vital information of a candidate, his/her spouse or dependents, constituting corrupt practice irrespective of the impact of such a false declaration on the election of the candidate? It may be presumed that a false declaration impacts the election in respect of election of 20-Longthabal Assembly Constituency and thus, materially affect the election of Respondent No. 1. In the Form-26

Affidavit submitted by the Respondent No.1, the Respondent No. 1 has stated that he has passed Bachelor of Textile Engineering. The Respondent No. 1 has actually passed Bachelor of Textile Technology.

3. Whether the action of Respondent No. 1 and his son namely, Karam Gulmit and some other workers in beating Laishram Giri Singh alias Kokeshor Singh on the Polling Day of 28th February, 2022 at the Polling Station No. 20/18 amounts to indulging in corrupt practice in Election which would materially affects the result of the Election?
4. Whether the execution of the work of road construction by the Respondent No. 1 and his workers without the approval of the competent authority at (1) Langthabal Kunja NH102 to Mari Longbi (ii) Langthabal Kunja Mari Longbi to Little Rose Heinoumakhong and (iii) Lilong Hiyang Road (Meitei Lamkhai) have violated the Model Code of Conduct during the Election amounts to corrupt practice?
5. Whether distribution of money on behalf of Respondent No. 1 by on Thiyam Budhichandra Singh with the help of one Laishram Bikram Singh (Police Officer) amounts to indulging in corrupt practice in the Election?
6. Whether casting of votes of expired voters by impersonation by supporters of Respondent No. 1 in Polling Station No. 20/25 amounts to corrupt practice?
7. Whether, there is any cause of action in filing the present Election Petition; as much as to the fact that, according to the Election Petitioner, the cause of action of filing the said Election Petition arose only on 13/03/2022?
8. Whether the concise statement of material facts which materially affected the result of the returned candidate has been pleaded in the election petition so as to attract Section 100 and 101 of the Representation of People Act?
9. Whether, material particulars of the allegations and grounds stated in the Election Petition constitute triable cause?
10. Whether the issues raised are triable issues for the fact that no material facts and particulars have been stated?
11. Whether, the allegations of corrupt practice be tried in the absence of Affidavit under Form 25 in terms of Rule 94 of the Representation of People Act and in absence of material particulars?

12. What is material effect in case of acceptance and whether any lapses of duties was there of Returning Officer while scrutinizing the nomination paper?
13. Whether grounds not taken before the Returning Office can be taken in the Election Petition?
14. Whether present petition is based on frivolous baseless allegation?

List for further proceedings on 08.08.2024.'

7. Learned counsel on both sides very fairly agreed to have the issues recast.

8. The issues are recast with the consent of learned counsel on both sides and based on the suggestions of learned counsel on both sides and the recast issues are as follows:

- (i) Whether there is non-disclosure of non-agricultural lands particulars by the returned candidate?
- (ii) Whether there is disclosure of wrong educational qualification details by the returned candidate?
- (iii) Whether there were any lapses qua duties on the part of the returning officer in scrutiny of nomination papers?
- (iv) What other reliefs the election petitioner is entitled to in the captioned election petition and election recr. petition?
- (v) What other reliefs the returned candidate is entitled to in the captioned election petition and election recr. petition?

9. Learned counsel on both sides had the benefit of perusing the aforesaid recast issues, agreed to the same and further agreed that arguments will be advanced on the basis of the recast issues.

10. Mr. H.S. Paonam, learned senior advocate instructed by Mr. S. Gunabanta, learned counsel for election petitioner commenced his submissions. Learned senior counsel submitted that he would predicate his campaign against the returned candidate's election on 2(two) grounds i.e., (a) Incorrect disclosure of educational qualification and (b) non-disclosure of assets. Learned senior counsel submitted that both these points are predicated on Section 33A of Representation of Peoples Act, 1951 ('RP Act' for the sake of brevity).

11. Mr. A. Mohendro, learned counsel along with Mr. Kh. Lupenjit, learned counsel for returned candidate submitted that he will commence his submissions after learned senior counsel for election petitioner concludes.

12. At the request of both sides, list under the cause-list sub caption 'Part Heard' on 09.02.2026.

CHIEF JUSTICE

Ab.Surjit