

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

El.Pet. No. 8 of 2022

Md. Nasiruddin Khan

.... *Petitioner/s*

- Versus –
Lourembam Rameshwor Meetei & 4 Ors.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

13.03.2023

Mr. HS. Paonam, learned senior counsel assisted by Mr. S. Gunabanta, learned counsel appeared for the petitioner and Mr. N. Kumarjit, learned senior counsel assisted by Mr. N. Zequeson, learned counsel appeared for the respondent No. 1.

After hearing the submission advanced by the learned senior counsel appearing for the parties and after careful perusal of the record, the following issues are framed:-

(1) Whether the non-disclosure of the petitioner's non-agricultural land under Dag No. 728-640 corresponding to Patta No. 1024, 403 Village Sahar Ulubari, Part-II Manza Ulubari Assam, in the relevant column under Part B Para 7 (ii) of the Form 26 affidavit filed by the respondent No. 1 along with his nomination paper in connection with the 12th Manipur Legislative Assembly Election, 2022 would materially affect the election of the respondent No. 1 ?

(2) Whether the non-disclosure of respondent No. 1's spouse, namely, Sorokhaibam Ronibala Devi in the Form 26 Affidavit filed by the respondent No. 1 along with his nomination paper in connection with the 12th Manipur Legislative Assembly Election, 2022 would amount to swearing of false Affidavit/Declaration and whether such non-disclosure would materially affect the election of the respondent No. 1 ?

(3) Whether non-disclosure of the Bank Account, being Account No. 2463 0100 0740 of ICICI Bank, Keishampat Junction Airport Road, of the respondent No. 1's spouse namely Lourembam Anita Devi and the details of deposit in the said Bank Account in the relevant column of the spouse at Part A, Para 7(ii) of the Form 26 Affidavit filed by the respondent No. 1 along with his nomination paper in connection with the 12th Manipur Legislative Assembly Election, 2022 would amount to swearing of false affidavit and whether such non-disclosure would materially affect the election of the respondent No. 1 ?

(4) Whether the petitioner is entitled to be declared as Member of the Manipur Legislative Assembly from the 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022 ?

(5) Whether the Election Petition is liable to be dismissed without trial on merits for violation of the following provisions of law :

(a) Section 81, 83, 87 and 117 of the Representation of the People Act, 1951.

(b) Rule 94A of the Conduct of Elections Rules, 1961.

(c) Order VI Rule 15 of the Code of Civil Procedure, 1908.

(d) Provisions of Chapter VII-A of the High Court of Manipur Rules, 2019.

(6) Whether the Election Petition is liable to be dismissed for disclosing incorrect facts at Para No. 12 and 13 of the Election Petition?

(7) Whether Sorokhaibam Ronibala Devi is the spouse of the respondent No. 1 or not ?

(8) Whether the Bank Account No. 246301000740 of ICICI Bank, Keishampat Junction, Airport Road belongs to Lourembam Anita Devi, spouse of the respondent No. 1 and whether such Account Number is required to be disclosed in Form 26 Affidavit filed by the respondent No. 1 before the Returning Officer of 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022 ?

(9) Whether there is cause of action in the Election Petition?

(10) Whether the petitioner is entitled to the relief claimed in the present Election Petition?

List this case again on 27.03.2023 In the meantime, the parties are directed to submit the list of their witnesses and the documents to be relied on by them in support of their claim.

JUDGE

Lhaineichong