

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

EL.PET. No. 9 of 2022

Oinam Nabakishore Singh.

...Petitioner

- Versus -

Konhoujam Govindas Singh & Anr.

...Respondents

**With
El.Recr.Pet. No. 9 of 2022
MC(EI.Pet.) No. 58 of 2022**

**B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

ORDER

31-07-2023

Heard Mr. N. Ibotombi, learned senior counsel assisted by Mr. A. Rommel, learned counsel appearing for the election petitioner in EL.PET. No. 9 of 2022; Mrs. Ayangleima, learned counsel appearing for respondent No. 1 and Mr. Fakharuddin, learned counsel appearing for respondent No. 2.

It has been submitted at the Bar by the learned counsel appearing for the parties that the examination-in-chief of PW1 in election petition has already started. Before completion of the examination and cross-examination, certain issues arose, in that, it has been submitted by the learned counsel appearing for the parties that unless the statements of the witness are recorded separately in connection with the election petition and election recrimination petition, there will be certain difficulties at the time of hearing the said petitions. In the present cases, a joint examination-in-chief of PW1 had been given in the form of an affidavit for both the election petition and election recrimination petition and

the examination of PW1 has been started jointly for both the election petition and election recrimination petition, however, it has been submitted by the learned counsel appearing for the parties that in order to facilitate all the parties at the time of hearing the present election petitions, it will be more convenient to take the statement of the witnesses separately for both the election petition as well as election recrimination petition. In this regard, Mr. N. Ibotombi, learned senior counsel appearing for the election petitioner submitted that he may be allowed to file a fresh examination-in-chief of PW1 in both the election petition and election recrimination petition separately and to allow him to take statement of PW1 in both the election petition and election recrimination petition separately. The learned senior counsel further submitted that a fresh examination-in-chief of the PW1 in the form of an affidavit will be filed separately for the election petition and election recrimination petition within four days.

Registry is directed to place these records before the appointed Commissioner on 07-08-2023 for examination of the witnesses. It is hereby made clear that the examination-in-chief as well as cross-examination of the witnesses should be taken separately for both the election petition as well as election recrimination petition. It is further made clear that examination-in-chief of all the witnesses should be done in respect of the election petition first and after completion of the examination, then the same witnesses can be examined in connection with the election recrimination petition.

JUDGE