

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

EI.Pet.No.10 of 2022
With
MC(EI.Pet.)No.20 of 2022
With
MC(EI.Pet.)No.48 of 2022
With
EI.Recr.Pet.No. 21 of 2022

Kshtrimayum Biren Singh

.... *Petitioner/s*

- Versus –

Khongbantabam Ibomacha Singh.

.... *Respondent/s*

**BEFORE
HON'BLE MR. JUSTICE MV MURALIDARAN**

06.07.2022

[1] Heard T. Rajendra, learned counsel for the election petitioner and Mr. Ajoy Pebam, learned counsel for the respondent No.1.

[2] Since notice was served to the respondent Nos. 2 to 4, this Court when the matter came on the last occasion directed the Registry to print the names of the respondent Nos. 2 to 4 in the cause list. Accordingly, the names of the respondent Nos. 2 to 4 are printed in the cause list.

[3] When the Court master called the names of the respondent Nos. 2 to 4 in the open Court, none appeared. Therefore, they are set ex-parte. Accordingly, the Registry is directed to delete the names of the respondent Nos. 2 to 4 in the cause list.

[4] Mr. Dev Dutt, learned counsel for the applicant represented that he has filed the MC(EI.Pet.)No.20 of 2022 seeking prayer to allow the humble applicant to shift the EVMs and VVPATs involved/used IN 8-Lamlai Assembly Constituency in the 12th Manipur Legislative Assembly election 2022 from the designated strong room to the accredited factories for necessary updation. Therefore, he prayed this Court to issue notice to the respondents in this application. Accordingly, Mr.T. Rajendra, learned counsel for the respondent No.1/election petitioner and Mr. Ajoy Pebam, learned counsel for the respondent No.2/respondent No.1 in the election petition take notice and they seek time to file counter affidavit in this MC(EI.Pet)No.20 of 2022. Since originally the respondent Nos. 2 to 4 were already set ex-parte in the main election petition and hence, no notice is required in respect of them in this MC(EI.Pet)No.20 of 2022.

[5] Mr. T. Rajendra, learned counsel for the election petitioner as well as Mr. Ajoy Pebam, learned counsel for the respondent No.1 represented that when the matter were taken up on 15.06.2022, this Court has passed an order that Mr. Ajoy Pebam, learned counsel for the respondent No.1 has filed EI.Recr.Pet.No.21 of 2022 and he prayed this Court to issue notice. Accordingly, Mr. T. Rajendra, learned counsel for the election petitioner takes notice in EI.Recr.Pet.No.21 of 2022 but in the said order, it was wrongly typed as EI.Recr.Pet.No.19 of 2022 instead of EI.Recr.Pet.No.21 of 2022. Therefore, Mr. T. Rajendra, learned counsel for the respondent/election petitioner takes notice and seeks time to file counter

affidavit in this El.Recr.Pet.No.21 of 2022.

[6] Since the respondent Nos. 2 to 4 who were originally arrayed as respondent Nos. 2 to 4 in election petition are already set ex-parte, no notice is required in this El.Recr.Pet.No.21 of 2022. Therefore, Mr. T. Rajendra, learned counsel for the respondent No.1 in this misc.case is directed to file counter affidavit.

[7] Since the application in MC(EI.Pet.)No.48 of 2022 has been wrongly listed and therefore, Registry is directed to verify and post this MC(EI.Pet.)No.48 of 2022 in the appropriate Election petition.

[8] Post these matters on 20.07.2022.

JUDGE

John Kom