

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

EL.PET. No. 14 of 2022

With

EL.PET. No. 25 of 2022

Lourembam Sanjoy Singh

Petitioner/s

Vrs.

Thounaojam Shyamkumar & 2 ors.

Respondent/s

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

06.11.2025

There are two election petitions. EL.Pet. No. 14 of 2022 has been filed by the losing candidate with an alternate prayer. EL.Pet. No. 25 of 2022 has been filed by an elector in the Legislative Assembly Constituency concerned.

In both the election petitions, Mr. S. Gunabanta, learned counsel on record is before this Court.

Mr. H.S. Paonam, learned senior advocate appearing on his behalf is before this Court.

Ms. Ashapriya, learned counsel for the returned candidate, who is the lone contesting respondent now, is also before this Court.

Learned counsel for returned candidate requests for time but this is opposed by learned senior counsel for the election petitioners and learned senior counsel for election petitioners points out that recording of evidence is underway,

the evidence recording is at the stage of respondent side, last recording was in September and the returned candidate has been taking time repeatedly.

To be noted, recording of evidence is now being done by a learned Advocate Commissioner i.e., Ch. Momon, and learned Advocate Commissioner is present in Court.

In response to the aforementioned observations, learned counsel for returned candidate submits that the returned candidate's spouse (wife) is now to depose as the next witness and she was indisposed.

Learned counsel submitted that the returned candidate's spouse was advised rest for 6(six) weeks but that is vide medical certificate dated 03.09.2025. This means that 6(six) weeks elapsed some time back.

In the aforesaid scenario, learned counsel for returned candidate took instructions from the returned candidate and submitted that the next recording of the evidence will be on 12.11.2025 (Wednesday) and on that day, if there is difficulty for the returned candidate's spouse to depose, the returned candidate will depose as the next witness so that the main matter is not delayed.

To be noted, learned senior counsel for election petitioners pointed out that election petitions have to be heard on a day-to-day basis.

There is one other reason for the course that is being adopted and that is Order XVIII Rule 3-A of 'Code of Civil Procedure, 1908' ('CPC' for the sake of brevity). Order XVIII Rule 3-A makes it clear that a party to proceedings should examine himself or herself before examination of other witness and if a party to proceedings wants to examine himself/herself after other witnesses, an order of

the Court with reasons to be recorded is necessary. To be noted, CPC is applicable so far as possible with RP Act proceedings.

Let the recording of evidence proceed in the aforesaid manner.

List on 17.11.2025.

CHIEF JUSTICE

Indrajeet