

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

**El. Pet. No. 1 of 2022**

Okram Henry Singh

....Petitioner(s)

-Versus-

Thangjam Arunkumar & 2 Ors

....Respondent(s)

**BEFORE  
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

18.04.2023

Heard Mr. Ajoy Pebam, learned counsel appearing for the petitioner, Mr. H. S Paonam, learned senior counsel assisted by Mr. B.R Sharma, learned counsel appearing for the respondent No. 1, Mr. S. Chittaranjan, learned counsel appearing for the respondent No. 2 and Mrs. Ayangleima, learned counsel appearing for the respondent No. 3.

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

1. Whether the respondent No. 1 failed to disclose the following material information in his affidavit in Form 26 dated 07-02-2022 filed along with his nomination paper in connection with election of 15-Wangkhei Assembly Constituency in the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 :-
  - (i) The disputed debts/liabilities which is under process of recovery as per the Securitization and Reconstruction of Financial Assets & enforcement of Security Interest Act

and Security Interest (Enforcement) Rules, 2002 in Part-B Para No. 11 (10) of the aforesaid affidavit ?

- (ii) Petitioner's bank account being A/C No. 06751100000671 of Punjab & Sind Bank, Dewlaland, Imphal ?
  - (iii) The joint account bearing No. 918010112468797 of Axis Bank, Paona Bazar of his spouse namely, Irengbam Purnimashi Devi and his dependent No. 1 namely Sanarik Thangjam ?
  - (iv) The second row of Para No. 7 (B) (i) and Para No. 8 was left blank or not?
  - (v) Non-disclosure of credit information/detailed information as required under para No. 7 (B) (ii) and (iv) of the said affidavit?
  - (vi) Any other Government dues or liabilities?
2. Whether the respondent No. 1 failed to disclose the detailed information of his spouse's profession/occupation at para No. 9 (b) in his Form 26 affidavit?
  3. Whether the respondent No. 1 failed to disclose the detailed information regarding contract entered with the private companies as required under para No. 9 (B) (f) of his affidavit under Form 26?
  4. Whether the affidavit in Form 26 dated 07-02-2022 filed by the respondent No. 1 suffers from defects of substantial character and if it suffers from defects, whether it would affect the result of the election of 15-Wangkhei Assembly Constituency in the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 or not ?
  5. Whether the respondent No. 1 committed corrupt practice as defined under Section-123 (2) of the Representation of Peoples

Act, 1951? If yes, will it materially affect the result of the election of 15-Wangkhei Assembly Constituency in the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 or not?

6. Whether the election of the respondent No. 1 as returned candidate from 15-Wangkhei Assembly Constituency in the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 is liable to be declared null and void or not?
7. Whether the election petitioner is entitled to be declared as the returned candidate of 15-Wangkhei Assembly Constituency in the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 or not?
8. Whether the pleadings of corrupt practice raised by the election petitioner is supported by any affidavit in Form 25 under Rule 94 A of the Conduct of Election Rules, 1961? If yes, whether such non-filing of affidavit under Form 25 will result in dismissing the present election petition or not?
9. Whether the election petition suffers from defect of either absence of conscience statement, lacking in material particulars, non-disclosure of triable issue or cause of action or non-compliance of mandatory requirement of laws in preferring the election petition or not?
10. Whether the election petitioner pleaded material facts and material particulars as required by law in connection with the alleged corrupt practice in his election petition or not?
11. Whether the nomination form along with Form 26 affidavit filed by the respondent No. 1 in connection with the election of 15-Wangkhei Assembly Constituency in the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 had been properly and lawfully accepted by the Returning Officer or not?

12. Whether there is any cause of action and whether the election petition in the present form is maintainable or not?

13. Whether the petitioner is entitled to the relief claimed by him or not?

Mr. S. Chittaranjan, learned counsel appearing for the respondent No. 2 and Mrs. Ayangleima, learned counsel appearing for the respondent No. 3 submitted that they will not file any list of witnesses and documents.

Mr. Ajoy Pebam, learned counsel appearing for the petitioner and Mr. H. S Paonam, learned senior counsel appearing for the respondent No. 1 submitted that they will file their list of witnesses and documents to be relied on by them within one week.

As prayed for, list this case again on 25<sup>th</sup> April, 2023.

In the meantime, learned counsel appearing for the petitioner and the respondent No. 1 are directed to file their respective list of witnesses and documents on or before the next date.

**JUDGE**

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

**EI. Pet. No. 24 of 2022**

Yumkham Erabot Singh

....Petitioner(s)

-Versus-

Thangjam Arunkumar & 2 Ors

....Respondent(s)

**BEFORE  
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

18.04.2023

Heard Mr. S. Chittaranjan, learned counsel appearing for the petitioner, Mr. H. S Paonam, learned senior counsel assisted by Mr. B.R Sharma, learned counsel appearing for the respondent No. 1, Mr. Ajoy Pebam, learned counsel appearing for the respondent No. 2 and Mrs. Ayangleima, learned counsel appearing for the respondent No. 3.

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

1. Whether the respondent No. 1 failed to disclose the following material information in his affidavit in Form 26 dated 07-02-2022 filed along with his nomination paper in connection with election of 15-Wangkhei Assembly Constituency in the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 :-
  - (i) The disputed debts/liabilities which is under process of recovery as per the Securitization and Reconstruction of Financial Assets & enforcement of Security Interest Act

and Security Interest (Enforcement) Rules, 2002 in Part-B Para No. 11 (10) of the aforesaid affidavit ?

- (ii) Petitioner's bank account being A/C No. 06751100000671 of Punjab & Sind Bank, Dewlaland, Imphal?
  - (iii) The joint account bearing No. 918010112468797 of Axis Bank, Paona Bazar of his spouse namely, Irengbam Purnimashi Devi and his dependent No. 1 namely Sanarik Thangjam ?
  - (iv) The second row of Para No. 7 (B) (i) and Para No. 8 was left blank or not?
  - (v) Non-disclosure of credit information/detailed information as required under para No. 7 (B) (ii) and (iv) of the said affidavit?
  - (vi) Any other Government dues or liabilities?
  - (vii) The credit (loan) facility which the petitioner enjoyed from the Punjab & Sind Bank (erstwhile United Bank of India), Imnphal Branch, MG Avenue, Imphal having a defaulted outstanding balance of Rs. 74,39,306.60 (Rupees seventy four lakh thirty nine thousand three hundred six and paise sixty) or not?
2. Whether the respondent No. 1 failed to disclose the detailed information of his spouse's profession/occupation at para No. 9 (b) in his Form 26 affidavit?
3. Whether the respondent No. 1 failed to disclose the detailed information regarding contract entered with the private companies as required under para No. 9 (B) (f) of his affidavit under Form 26?

4. Whether the affidavit in Form 26 dated 07-02-2022 filed by the respondent No. 1 suffers from defects of substantial character and if it suffers from defects, whether it would affect the result of the election of 15-Wangkhei Assembly Constituency in the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 or not ?
5. Whether the respondent No. 1 committed corrupt practice as defined under Section-123 (2) of the Representation of Peoples Act, 1951? If yes, will it materially affect the result of the election of 15-Wangkhei Assembly Constituency in the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 or not?
6. Whether the election of the respondent No. 1 as returned candidate from 15-Wangkhei Assembly Constituency in the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 is liable to be declared null and void or not?
7. Whether the election petitioner is entitled to be declared as the returned candidate of 15-Wangkhei Assembly Constituency in the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 or not?
8. Whether the pleadings of corrupt practice raised by the election petitioner is supported by any affidavit in Form 25 under Rule 94 A of the Conduct of Election Rules, 1961? If yes, whether such non-filing of affidavit under Form 25 will result in dismissing the present election petition or not?
9. Whether the election petition suffers from defect of either absence of conscience statement, lacking in material particulars, non-disclosure of triable issue or cause of action or non-compliance of mandatory requirement of laws in preferring the election petition or not?

10. Whether the election petitioner pleaded material facts and material particulars as required by law in connection with the alleged corrupt practice in his election petition or not?
11. Whether the nomination form along with Form 26 affidavit filed by the respondent No. 1 in connection with the 15-Wangkhei Assembly Constituency in the 12<sup>th</sup> Manipur Legislative Assembly Election, 2022 had been properly and lawfully accepted by the Returning Officer or not?
12. Whether there is any cause of action and whether the election petition in the present form is maintainable or not?
13. Whether the petitioner is entitled to the relief claimed by him or not?

Mr. Ajoy Pebam, learned counsel appearing for the respondent No. 2 and Mrs. Ayangleima, learned counsel appearing for the respondent No. 3 submitted that they will not file any list of witnesses and documents.

Mr. S. Chittaranjan, learned counsel appearing for the petitioner and Mr. H. S Paonam, learned senior counsel appearing for the respondent No. 1 submitted that they will file their list of witnesses and documents to be relied on by them within one week.

As prayed for, list this case again on 25<sup>th</sup> April, 2023.

In the meantime, learned counsel appearing for the petitioner and the respondent No. 1 are directed to file their respective list of witnesses and documents on or before the next date.

**JUDGE**

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

**El. Recr.Pet. No. 1 of 2022**

Thangjam Arunkumar

....Petitioner(s)

-Versus-

Okram Henry Singh & 2 Ors

....Respondent(s)

**BEFORE  
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

18.04.2023

Mr. Ajoy Pebam, learned counsel appearing for the respondent No. 1 submitted that suggested issues on behalf of the respondent No. 1 had already been filed.

Mr. S. Chittaranjan, learned counsel appearing for the respondent No. 2 and Mrs. Ayangleima, learned counsel for the respondent No. 3 submitted that they will not file their suggested issues.

Mr. H. S Paonam, learned counsel appearing for the petitioner seeks one week's time for filing suggested issues.

As prayed for, list this case again on 25<sup>th</sup> April, 2023 for framing of issues. In the meantime, learned counsel appearing for the petitioner is directed to file his suggested issues on or before the next date without fail.

**JUDGE**

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*Item Nos. 16*

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

**EI. Recr.Pet. No. 16 of 2022**

Thangjam Arunkumar

....Petitioner(s)

-Versus-

Yumkham Erabot Singh & 2 Ors

....Respondent(s)

**BEFORE  
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

18.04.2023

Mr. S. Chittaranjan, learned counsel appearing for the respondent No. 1 submitted that he had already filed suggested issues on behalf of the respondent No. 1 and the same is on record.

Mr. Ajoy Pebam, learned counsel appearing for the respondent No. 2 and Mrs. Ayangleima, learned counsel for the respondent No. 3 submitted that they will not file their suggested issues.

Mr. H. S Paonam, learned counsel appearing for the petitioner seeks one week's time for filing suggested issues.

As prayed for, list this case again on 25<sup>th</sup> April, 2023 for framing of issues. In the meantime, learned counsel appearing for the petitioner is directed to file his suggested issues on or before the next date without fail.

**JUDGE**

kim

*Item Nos. 17-18*

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

**MC(EI.Pet.) No. 171 of 2022 with MC(EI.Pet.) No. 55 of 2022**

Thangjam Arunkumar

....Applicant(s)

-Versus-

Okram Henry Singh & 2 Ors

....Respondent(s)

**BEFORE  
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

18.04.2023

On joint prayer made by the learned counsel appearing for the parties, list these cases again on 25<sup>th</sup> April, 2023 for consideration.

**JUDGE**

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