

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

El. Petn. No. 1 of 2022

Okram Henry Singh

... Petitioner

Vs.

Thangjam Arunkumar & ors.

... Respondents

With

**MC(EI. Petn.) No. 46 of 2023;
EI. Recr. Petn. No. 16 of 2022;
MC(EI. Petn.) No. 55 of 2022;
EI. Recr. Petn. No. 1 of 2022**

**MC(EI. Petn.) No. 42 of 2023;
EI. Petn. No. 24 of 2022;
MC(EI. Petn.) No. 171 of 2022 &**

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

01-08-2023

I have heard Mr. Ajoy Pebam, learned counsel, Mr. A. Priyokumar, learned counsel, Mr. H.S. Paonam, learned senior counsel assisted by Mr. S. Gunabanta, learned counsel and Mrs. Ayangleima, learned counsel appearing for the parties.

It has been submitted at the bar by the learned counsel appearing for the parties that against the order passed by this court rejecting the application filed by the respondents in the election petition for dismissal of election petition on ground of maintainability, an SLP had been preferred before the Hon'ble Apex Court and in respect of one SLP, judgment has been reserved and in respect of another SLP, the Hon'ble Apex Court has observed that the matter will be taken up after the announcement of the judgment in respect of the SLP.

Mr. H.S. Paonam, learned senior counsel submitted that the examination of the witnesses may be deferred till the announcement of the judgment by the Hon'ble Apex Court. The learned senior counsel further submitted that the judgment reserved in connection with the similar matter is going to be announced on 3rd of August, 2023 by the Hon'ble Acting Chief Justice of this court. Accordingly, the learned senior counsel submitted that the examination of PWs be deferred till 3rd of August, 2023. On the other hand, Mr. Ajoy Pebam, learned counsel appearing for the election petitioner submitted that even though an SLP has been entertained by the Hon'ble Apex Court, no stay order has been passed and the stage of the proceedings of the election petition is pending in connection with the examination of PW1 in El. Petn. No. 1 of 2022. The

learned counsel, accordingly, submitted that since no stay order has been granted by the Hon'ble Apex Court, there is no impediment in continuing the examination of PW1.

After hearing the submissions advanced by the learned counsel appearing for the parties, this court is of the considered view that no prejudice or inconvenience will be caused to the contesting respondents in allowing the examination of PW1. However, since the judgment is to be announced by the Hon'ble Acting Chief Justice on 03-08-2023, this court is of the considered view that it will be appropriate to fix this case on 04-08-2023 for further examination of PW1.

Ordered accordingly.

Registry is directed to place the record of this case before the appointed Commissioner for further examination of the witnesses on 04-08-2023.

JUDGE

Devananda