

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

El. Petn. No. 8 of 2022

Md. Nasiruddin Khan

... Petitioner

Vs.

Lourembam Rameshwor Meetei & ors.

... Respondents

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

18-04-2023

Mr. H.S. Paonam, learned senior counsel assisted by Mr. S. Gunabanta, learned counsel appeared for the petitioner and Mr. N. Kumarjit, learned senior counsel assisted by Mr. Th. Monish Anand, learned counsel appeared for the respondent No. 1. None appeared for the other respondents.

Mr. Ch. Momon, learned Advocate and the appointed Commissioner submitted that he can start examination of witnesses on and from 25-04-2023 subject to production of witnesses by the parties.

Mr. H.S. Paonam, learned senior counsel appearing for the petitioner submitted that the petitioner, who is PW1 is ready and willing to be examined on and from 25-04-2023.

In view of the submission made above, let the record of this case be placed before the appointed Commissioner on 25-04-2023 for examination of the witnesses.

Registry is directed to provide one Stenographer and one Judicial Assistant to assist the appointed Commissioner for examining the witnesses.

The learned Commissioner is requested to examine the witnesses produced by the parties and to submit a report as early as possible preferably within a period of one month from 25-04-2023.

JUDGE

Devananda

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

El. Recr. Petn. No. 10 of 2022

(Ref:- El. Petn. No. 8 of 2022)

Lourembam Rameshwor Meetei

... Petitioner

Vs.

Md. Nasiruddin Khan & ors.

... Respondents

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

18-04-2023

Mr. N. Kumarjit, learned senior counsel assisted by Mr. Th. Monish Anand, learned counsel appeared for the petitioner and Mr. H.S. Paonam, learned senior counsel assisted by Mr. S. Gunabanta, learned counsel appeared for the respondent No. 1. None appeared for the other respondents despite service of notice.

Accordingly, the present petition is proceeded ex-parte against the said respondents.

After hearing the submissions 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 Form-26 Affidavit dated 07.02.2022 filed by the Respondent No. 1 (Election Petitioner) before the Returning Officer, 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022 suffers from non-disclosure of FIR case?
2. Whether the Form-26 Affidavit dated 07.02.2022 filed by the Respondent No.1 (Election Petitioner) before the Returning Officer, 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022 has been kept unfilled/blank at Para No. 6A?
3. Whether the Current Account No. 258305006675 mentioned by the Respondent No. 1 furnished at Para No. 7 in his Form-26 Affidavit dated 07.02.2022 filed before the Returning Officer, 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022 is a false information?

4. Whether the Respondent No.1 failed to disclose his Current Account No. 258305006674 of ICICI Bank, Lamphelpat Branch in his Form-26 Affidavit dated 07.02.2022 filed before the Returning Officer, 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022?
5. Whether the Respondent No. 1 failed to disclose his shares under Alinsons Impex & Construction Company Private Limited in his Form-26 Affidavit dated 07.02.2022 filed before the Returning Officer, 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022?
6. Whether the Respondent No. 1 concealed his Non-Agricultural Land under Patta No. 74(Old) 168/602(New) covered by C.S. Dag No. 14/733 measuring an area of 0.31750 acre situated within Village No. 50-Kiyamgei Muslim, Keirao Bitra Sub-Division, Imphal East District, Manipur in his Form-26 Affidavit dated 07.02.2022 filed before the Returning Officer, 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022?
7. Whether the Respondent No. 1 failed to disclose the reasonable market value of his immovable asset at Sl. No. IV under the heading Residential Building in his Form-26 Affidavit dated 07.02.2022 filed before the Returning Officer, 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022?
8. Whether the Respondent No. 1 concealed the Source of Income of his spouse in his Form-26 Affidavit dated 07.02.2022 filed before the Returning Officer, 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022?
9. Whether the Form-26 Affidavit dated 07.02.2022 filed by the Respondent No. 1 before the Returning Officer, 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022 is a false affidavit?
10. Whether the nomination paper of the Respondent No.1 filed before the Returning Officer, 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022 suffers

from defects of substantial character due to filing of a defective Form-26 Affidavit dated 07.02.2022?

11. Whether the nomination paper of the Respondent No. 1 filed before the Returning Officer, 6-Keirao Assembly Constituency in the 12th Manipur Legislative Assembly Election, 2022 is liable to be rejected under Section 36(2) of the Representation of the People Act, 1951?
12. Whether the Petitioner is entitled to the reliefs sought in the Election Recrimination Petition?
13. Whether the Form 26 Affidavit of the Respondent No. 1 which has been accepted by the Returning Officer in accordance with the Representation of People's Act, 1951 suffered from any defect?
14. Whether the conduct of the Election Recrimination Petitioner in submitting false Form 26 Affidavit would entailed him to file the present Election Recrimination Petition with relief as sought therein?
15. Whether the allegation made in the Election Recrimination Petition would constitute a triable issue under the Representation of People's Act, 1951 as the Election Recrimination Petitioner has failed to disclose the source of the information narrated therein?
16. Whether there is any cause of action for filing the Election Recrimination Petition?

As prayed for by the counsel appearing for the parties, list this case again on 25-04-2023. In the meantime, parties are directed to submit their list of witnesses and to file documents to be relied on by them in support of their claims.

JUDGE

Devananda

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

MC(EI. Recr. Petn.) No. 52 of 2022

(Ref:- El. Petn. No. 8 of 2022)

Md. Nasiruddin Khan

... Applicant

Vs.

Mr. Nasiruddin Khan & ors.

... Respondents

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

18-04-2023

As agreed to by both the counsel appearing for the parties, the present application will be considered after examination of the witnesses and taking of evidences.

JUDGE

Devananda