



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27550 of 2023

Basanti Pani

....

Petitioner

Mr. P.V. Balakrishna, Advocate

-versus-

1. Kunni Limma

....

Opposite Parties

2. Nuadini Kauri

3. Bijeta Mishal

Mr. P.Ch. Panda, Advocate (O.P.1)

CORAM: JUSTICE V. NARASINGH

ORDER

20.03.2026

Order No.

06.

1. Heard learned counsel for the Petitioner and learned counsel for the Opposite Party No.1.

2. The present petitioner, who is Opposite Party No.1 in Election Petition No.1 of 2022 pending before the learned Senior Civil Judge, Paralakhemundi, Gajapati, has filed this writ petition assailing the order dated 21.03.2023 whereby her petitions under Order XVI Rule 6 and Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as CPC) were rejected.

3. On notice being issued, the learned counsel for the Opposite Party No.1 appeared.

4. It is submitted by the learned counsel for the Petitioner that on a bare perusal, the impugned order suffers from non-application of mind and hence, the same is liable to be interfered with.



5. Per contra, learned counsel for the Opposite Party No.1 submits that on a cogent analysis of the provisions contained under Order XVI Rule-6 of CPC, the learned Election Tribunal has rejected the petition.

6. On perusal of the impugned order, it is seen that the learned Election Tribunal, taking into account that the Petitioner herein has filed a petition to call for the record relating to election in the year 2017 from the BDO, Gumma, to prove that the Opposite Party No.1 was not qualified to contest the election held in the year 2022, held that since such documents are related to the year 2017, those are not relevant for adjudication.

7. On a conspectus of materials on record, this Court does not find any infirmity in the order passed, so as to warrant interference.

7-A. The order rejecting the prayer of the Petitioner under Order XVI Rule-6 of CPC does not merit interference. Accordingly, the order passed by the Senior Civil Judge, Paralakhemundi, Gajapati is affirmed.

8. So far as the order relating to rejection of plaint is concerned, on perusal of the impugned order, it is seen that relying on the settled position of law that the plaint has to be considered as a whole and referring to the Judgment of the Apex Court in the case of **R.K. Roja vs. U.S. Rayudu and another** reported in **2016 (II) OLR (SC) 606**, the impugned order has been



passed. Hence, this Court does not find any infirmity in the exercise of jurisdiction by the learned Senior Civil Judge, Paralakhemundi, Gajapati, so as to warrant interference.

9. It shall be open to the Election Tribunal to proceed with the matter with the expediency it deserves, since the same is pending since 2022 and this Court is assured that the Parties shall cooperate.

10. Accordingly, the writ petition along with pending I.As., if any, stand disposed of.

(V. NARASINGH)
Judge

Ayesha