

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Election Petition No. 5/2024

Purushottam Lal S/o Shri Charansingh

-----Petitioner

Versus

Sanjana W/o Shri Kaptan

-----Respondent

For Petitioner(s)	:	Petitioner in person
For Respondent(s)	:	Mr. Hemant Kumar Singh for Mr. R.D. Meena Mr. Ravi Chirania

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

13/02/2025

1. Matter has come up on an application (1/2025) filed by the petitioner under Section 63, 65 & 65B of the Indian Evidence Act.
2. In response thereto, counsel for respondent No.1 has taken resort to Rule 745-Z of the Rajasthan High Court Rules, 1952, which says that *"No document in any language other than English shall be admitted in evidence unless it is accompanied by an English translation which shall either be the official translation or a translation, the accuracy of which is certified by an advocate of the High Court. Costs of the translation shall be at the discretion of the Court."*
3. This Court today itself, in another Election Petition No.1/2023 titled as *Purushottam Lal Vs. Ritu Banawat & Ors.*, has interpreted Rule 745-Z of the Rules of 1952 that it is not mandatory and in light of that order, such an objection of respondent No.1 is hereby rejected.

4. Respondent No.1 has raised another objection, by filing an application (3/2025), that the affidavit furnished by the petitioner in support of the election petition, contains the arguments and references of Rulings of the Supreme Court, which may not be treated as an affidavit-in-chief in terms of Order 19 Rule 3 read with Order 18 Rule 4 CPC.

5. Having heard counsel for respondent No.1 as well as petitioner present in person and on perusal of the affidavit-in-chief, this Court finds that the objection raised by respondent No.1 is not sustainable. The affidavit of petitioner contains the factual matrix on which the election of respondent No.1 has been put to challenge. Only in Para No.5 of the affidavit, petitioner has given reference of two judgments of Hon'ble Supreme Court, to support the fact of filing certificate under Section 65-B of the Evidence Act. The mere reference of two judgments, does not vitiate the affidavit as a whole which otherwise shows the reproduction of the factual matrix as stated in the election petition. For such reasons, the application (3/2025) is hereby rejected.

6. Respondent No.1 is granted a last opportunity to file reply to the application.

7. Let this writ petition be listed on 20.02.2025 in supplementary list.

(SUDESH BANSAL),J