

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 & Ors.
-----Respondents

For Petitioner(s)	:	Petitioner in person
For Respondent(s)	:	Mr. RD Meena Mr. Abhay Singh Rathore for Mr. Prateek Mathur

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

06/03/2025

1. Respondent has filed an application No.4/2025 under Order 14 Rule 2 read with Section 151 CPC, praying to treat the issue No.3 as a preliminary issue and decide the same at first instance.
2. Heard the petitioner and counsel for respondent No.1 in the application.
3. Issue No.3 reads as under:-

"Whether Election Petition has been filed in violation of Section 81 and 83 of the Representation of People Act, 1951 read with Rule 94-A of the Conduct of Election Rules, 1961, hence, liable to be dismissed? (Respondent No.1)"

4. This Court finds that this issue is not purely a legal issue and in order to adjudicate this issue, factual aspect is also required to be considered. Hence, instead of treating this issue as preliminary



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issue, this issue will also be considered and decided on merits at the time of deciding the Election Petition.

5. Accordingly, application (IA No.4/2025) stands disposed of.

6. List the matter on 20.03.2025 in supplementary list.

(SUDESH BANSAL),J

RONAK JAIMAN/185-S