

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. R. D. Meena Mr. Ravi Chirania Mr. Abhay Singh Rathore for Mr. Prateek Mathur

HON'BLE MR. JUSTICE SUDESH BANSAL
Order

05/12/2024

1. Respondent No.1-Returning candidate has filed reply to the election petition on 25.11.2024, which is delayed by one day, however, since on 23-24/11/2024, the functionings of Court were off due to holidays, hence, no objection has been made by the petitioner to take the reply on record. Accordingly, the reply of respondent No.1 is taken on record.

2. As per record, notice sent through registered post served upon respondent No.2 on 30.07.2024, however reply has not been filed.

Counsel appearing on behalf of respondent No.2 states that on account of non-availability of the documents appended with the election petition, reply could not be filed and he prays for a week's time to file reply.

Petitioner has objection of cost.

In view of the judgment of Hon'ble Supreme Court in case of **Kailash vs Nanhku & Ors: [(2005) 4 SCC 480]**, the timeline for filing written statement can be extended, subject to furnishing

explanation of delay. Considering the facts and circumstances of the present case, respondent No.2 is granted opportunity to file reply to the election petition on or before the next date of hearing, subject to payment of cost of Rs.2,000/- to the petitioner.

3. As per record, notice sent through registered post served upon respondent No.3 on 30.07.2024, however no one has put in appearance nor any reply has been filed. In such view, opportunity to file written statement is closed and proceedings are drawn ex parte against the respondent No.3.

4. As per record, notice sent through registered post served upon respondent No.4 on 31.07.2024, however no one has put in appearance nor any reply has been filed. In such view, opportunity to file written statement is closed and proceedings are drawn ex parte against the respondent No.4.

5. As per record, notice sent through registered post served upon respondent No.5 on 01.08.2024, however no one has put in appearance nor any reply has been filed. In such view, opportunity to file written statement is closed and proceedings are drawn ex parte against the respondent No.5.

6. Respondent No.6 is a Returning Officer and counsel appearing on behalf of respondent No.6 states that reply to the election petition is not required to be filed on his behalf.

7. List the matter on 19.12.2024 in supplementary list, for framing issues.

8. In the meanwhile, petitioner may file rejoinder, if so desires.

(SUDESH BANSAL),J