



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 34527 of 2023

Munni Devi

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s) : Bal Mukund Singh, Bharat Singh Pal,
Shivangi Tripathi, Shri Prakash Mishra
Counsel for Respondent(s) : Narendra Kumar Pandey, C.S.C,
Nisheeth Yadav, Pardeep Kumar,
Prakhar Saran Srivastava, Sanjay
Kumar Yadav, Tarun Agrawal

Court No. - 5

HON'BLE KSHITIJ SHAILENDRA, J.

In Re:- Amendment Application No. 12 of 2025

1. Heard learned counsel for the parties in support of and in opposition to the said application.
2. The present application has been filed seeking to incorporate certain grounds in the writ petition regarding jurisdiction of the Tribunal as well as maintainability of the election petition.
3. It is contended that the grounds being formal in nature and based upon the legal pleas would not prejudice the case of the respondents and, therefore, the same may be allowed.
4. The prayer made has been opposed by the other side with reference to the counter affidavit and it is stated that the same plea had been raised by the petitioner before the Election Tribunal in the form of preliminary objection, however, the same was turned down and, therefore, the petitioner cannot be permitted to seek amendment based upon the same plea.
5. I have considered the submissions made.
6. It is well settled that a party cannot be restricted from raising any plea in his pleadings unless there are some compelling circumstances. Merely

because, earlier, plea of maintainability of election petition and jurisdiction of the Election Tribunal was turned down by the Tribunal, the present petition being in continuation of the said proceedings and the final order of Election Tribunal being under challenge, in the interest of justice, the application deserves to be allowed.

7. Accordingly, the application is **allowed**.

8. Learned counsel for the petitioner may carry out necessary amendment in the petition within **three weeks**.

9. However, mere allowing application will not prejudice the defence of the respondents either way and pleas in opposition to the amended portions of the writ petition shall be considered at the time of final hearing.

10. List before appropriate Bench **on 19.03.2026** under the same category of '**Hon'ble Supreme Court Order (Expedited)**'.

(Kshitij Shailendra,J.)

February 17, 2026

AKShukla/-