

&
C.A.No. 4097 OF 2003

ITEM No.44

Court No. 6

SECTION XVII
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 4097 of 2003
(For Prel. Hearing)

NARAIN SINGH YADAV

Appellant (s)

VERSUS

JAI BHAGWAN AGGARWAL & ANR.

Respondent (s)

(With appln(s). for interim Relief)

Date : 08/12/2003 This Appeal was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant (s)Mr. Ravi Kant Chadha,Adv.
Mr. Arun K. Sinha,Adv.
Mr. Rakesh Singh,Adv.

For Respondent (s)Mr. H.C. Mittal,Adv.
Mr. Manoj Mittal,Adv.
Mr. N.S. Bisht,Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard the learned counsel for the parties for some time.

The civil appeal is disposed of.

No costs.

[T.I. Rajput][Madhu Saxena]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4097 OF 2003

Narain Singh Yadav ...Appellant(s)

Versus

Jai Bhagwan Aggarwal & Anr. ...Respondent(s)

O R D E R

The appellant filed an election petition before the High Court at Delhi challenging the election of the first respondent in respect of Badli constituency, Delhi, which was held in 1998. The election petition was, however, dismissed by the High Court on 27th February, 2003 on the preliminary ground that the said petition was not in proper form because of the alleged violation of Section 82(a) of the Representation of People Act, 1951 [for short, "the Act"]. It is not in dispute that an election has, in fact, been held again in respect of the very same constituency. The issue regarding the first respondent's election, held in 1998, therefore, has become academic. We, therefore, dispose of the appeal, by merely recording that the question of law decided by the High Court on the interpretation of Section 82(a) of the Act is left open. No costs.

.....J.
[RUMA PAL]

.....J.
[DR. AR. LAKSHMANAN]

New Delhi,
December 08, 2003.