

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

RECORD OF PROCEEDINGS

CIVIL APPEAL No.4187/2001@@
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Mathura Prasad

Appellant (s)

VERSUS

Govind Singh

Respondent(s)

(With appln.for exem. from filing O.T.)

Date : 03.09.2002 This appeal was called on for hearing today.@@
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CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK@@
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HON'BLE MR. JUSTICE Y.K. SABHARWAL @@
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HON'BLE MR. JUSTICE S.N. VARIAVA@@
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For Appellant (s) Mr. Jagdeep Dhankar,Sr.Adv.
Dr. Sushil Balwada,Y.P.Dhingra,B.K.Satija,
Mr. S.S.Khanduja & Alok Sangwan,Advs.

For Respondent (s) Mr. M.C. Bhandare,Sr.Adv.
M/s Rajesh,R.C.Srivastava and
K.K. Misra,Advs.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....J.

.SP2
Heard Mr. Jagdeep Dhankar, the learned senior
counsel for the appellant from 11.35 a.m. to 12.15 p.m.
The Civil Appeal is dismissed in terms of signed
order.

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(Y.P.Dhamija) (Suneet Bala Sharma)@@
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Court Master Assistant Registrar@@
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Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4187/2001@@
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Mathura PrasadAppellant(s)

Vs.

Govind SinghRespondent(s)

O R D E R@@
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This is an appeal against the judgment of the Election Tribunal, the Election Petition having been dismissed by the Tribunal, inter-alia, on the ground that there had been no proper verification of the Election Petition, and even though the objection was raised in the written statement, and the petitioner had been given opportunity to rectify the same, no such rectification was made. The nature of defect in the Election Petition has been indicated in paragraph 43 of the impugned judgment. In the Election Petition, the petitioner had averred several infractions of the Rules as well as several other irregularities on which issues had been framed, and the Tribunal did come to conclusion that some of those irregularities have been committed, but yet being of the opinion that such irregularities has not materially affected the result of the election, came to hold that under section 100 of the Representation of People Act, the election cannot be held to be void. It is contended on behalf of the learned counsel for the appellant that the question of materially affecting the result should not be construed in a mathematical way and should be construed depending upon the nature of the allegations made and the violations found, and thus construed

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in the case in hand the conclusion that the result has not been materially affected is erroneous. We are, however, not persuaded to delve into that question inasmuch as on Issue No.1 dealing with the defect of verification in the Election Petition, the conclusion of the Tribunal is unassailable. Having regard to the nature of the defects in the Election Petition, as pointed out in paragraph 43 of the impugned judgment, and in view of the fact that the respondent did take objection to these defects in the written statement and the Tribunal granted an opportunity to the petitioner to rectify the defects, but yet the defects were not rectified, the conclusion of the Tribunal is unassailable in view of the decisions of this Court in R.P.Moidutty Vs. P.T.K.Mohammad &@
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Anr. 2000(1) SCC 481 as well as in V.Narayanaswamy Vs. C.P.@
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Thirumavukkarasu 2000 (2) SCC 294. In view of that@
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conclusion, it was not necessary for the Tribunal also to

delve into the other issues, and as such we are not required to delve into that contention in this appeal. The appeal accordingly fails and is dismissed.

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.....J.
(G.B. PATTANAİK)@@
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.....J.@
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(Y.K. SABHARWAL)@@
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NEW DELHI,
September 03, 2002

.....J.
(S.N. VARIAVA)@@
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