

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO(s). 4824 OF 2012

J. SHANTHA Appellant (s)

VERSUS

M CHANDREGOUDA & ORS. Respondent(s)

O R D E R

Service on respondent Nos. 3 to 7 is dispensed with.

2. We have heard Mr. Balaji Srinivasan, learned counsel for the appellant, Mr. P. Vishwanatha Shetty, learned senior counsel for the respondent No. 2, and Mr. Joseph Aristotle S., learned counsel for the respondent No. 1.

3. The direction given by the High Court to the returning officer of 9, Bellary (ST) Parliamentary Constituency to recount votes of the said Parliamentary Constituency does not call for any interference by us.

4. By consent of the learned senior counsel for the respondent No. 2 and learned counsel for the respondent No. 1, the operative order which records "Accordingly, E.P. No. 4/2009 is allowed in part directing recounting of votes and then to declare the result. The election of the first respondent to 9, Bellary (ST) Parliamentary Constituency is hereby set-aside." is set aside. The final order shall be passed by the High Court based on the declaration of result of recounting by the returning officer. The time granted to the returning officer for recounting the votes shall commence from the date of receipt of copy of this order.

5. Civil Appeal is disposed of as above.

6. Interlocutory application (I.A. No. 5 of 2012) for modification of interim order dated June 26, 2012 passed by this Court does not survive in view of the above order and is dismissed accordingly.

7. We record the statement of Mr. Joseph Aristotle S., learned counsel for the respondent No. 1 in the present Civil Appeal and for the appellant in Civil Appeal No. 5716 of 2012, that Civil Appeal No. 5716 of 2012 titled "Sri M. Chandregouda Vs. Smt. J Shantha and Ors." shall not be pressed before this Court.

.....J.
(R.M. LODHA)

NEW DELHI;J.
AUGUST 16, 2012 (SUDHANSU JYOTI MUKHOPADHAYA)

ITEM NO.101 COURT NO.6 SECTION XVII

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(s). 4824 OF 2012

J. SHANTHA Appellant (s)

VERSUS

M CHANDREGOUDA & ORS. Respondent(s)

(With appln(s) for ex-Parte stay and production of additional documents and exemption from filing O.T. and modification of Court's Order and with office report)

Date: 16/08/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Appellant(s) Mr. Balaji Srinivasan,Adv.

For Respondent(s) Mr. P. Vishwanatha Shetty, Sr. Adv.
Mr. V.G. Pragasam ,Adv
Mr. Prabhu Ramasubramaniam, Adv.
Mr. Vijay Kumar Paradesi, Adv.
Mr. Kiran J., Adv.

Mr. Joseph Aristotle S.,Adv.
Ms. Priya Aristotle, Adv.

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

Civil Appeal is disposed of and I.A. No. 5/2012 is dismissed in terms of the signed order.

|(Rajesh Dham)
|Court Master

| |(Renu Diwan)
| |Court Master

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(signed order is placed on the files)