

ITEM NO.46

COURT NO.12

SECTION XVII

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

Petition(s) for Special Leave to Appeal (Civil) No(s).20644/2011

(From the judgement and order dated 21/06/2011 in EP No. 3/2009 & MC No. 39/2009 of The HIGH COURT OF ORISSA AT CUTTACK)

PRAFULLA CHANDRA GHADAI

Petitioner(s)

VERSUS

SARAT RAUT &amp; ORS.

Respondent(s)

(With prayer for interim relief )

WITH SLP(C) NO. 20807 of 2011

(With prayer for interim relief and office report)

Date: 12/08/2011                      These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)

Mr. Gopal Subramaniam, Sr Adv.

Mr. Raju Ramachandran, Sr Adv.

Mr. V.K. Samal, Adv.

Mr. Rajdipa Behano, Adv.

Mr. A.Venayagam Balan, Adv.

For Respondent(s)

Mr. BiDyadhar Mishra, Sr Adv.

Mr. Jitendra Mohapatra, Adv.

Mr. Ajay Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

The instant special leave petition is directed

against order dated June 21, 2011 passed by learned

Single Judge of Orissa High Court in an application

filed under Sections 80 to 84, 117 read with

Sections 100, 101 and 123 of the Representation of

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the People Act, 1951 and under Order XXXV of the

Orissa High Court Rules read with Order VII Rule

11, C.P.C. in Election Petition No. 3 of 2009 by

which the prayer made by the petitioner to reject

the Election Petition under Order VII Rule 11 as

not disclosing cause of action is rejected.

Mr.

Ajay Sharma, the learned counsel for the

respondents who appears on caveat states at the Bar that the respondent No. 1 would delete paragraphs 6(C), 6(F), 6(G), 6(H) and 6(J) from the memorandum of election petition.

In view of the above mentioned statement, the finding recorded by the High Court in the impugned order that paragraphs 6(C), 6(F), 6(G), 6(H) and 6(J) cannot be rejected/struck off will have to be set aside and is hereby set aside. The respondent No. 1 is directed to delete paragraphs 6(C), 6(F), 6(G), 6(H) and 6(J) from the memorandum of Election Petition No. 3 of 2009 within two weeks from today.

After the above mentioned paragraphs are deleted from the election petition, the election petition will be heard on merits. It will be open to the parties to raise all contentions available under the law.

Subject to above mentioned clarification the

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petitions stand disposed of .

(Sonia)  
Sr. P. A.

(Veena Khera)  
Court Master