

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
(ARISING OUT OF SLP (CIVIL) NO. 1204 OF 2025)

ARIF MASOOD

APPELLANT (S)

VERSUS

DHRUV NARAYAN SINGH

RESPONDENT (S)

W I T H

CIVIL APPEAL NO. _____ OF 2025
(ARISING OUT OF SLP (CIVIL) NO. 2029 OF 2025)

O R D E R

1. Leave granted.
2. These civil appeals are directed against interim orders dated 17.12.2024 and 08.01.2025 passed by the High Court of Madhya Pradesh at Jabalpur in Election Petition No.4/2024.
3. In view of the proposed consent order, it is not necessary to refer to the facts in detail, except to mention that the appellant is the returned candidate in the Madhya Pradesh State Legislative Assembly Election for Constituency No.153-Bhopal held in November-December 2023. The respondent has challenged the appellant's election on various grounds in Election Petition No.4/2024, in which both the impugned orders, referred to above, came to be passed by the High Court. The first order, dated 17.12.2024, has been passed rejecting the appellant's application under Order 7 Rule 11 of the Code of Civil Procedure, 1908. The second order, dated 08.01.2025, pertains to framing of issues which arise for consideration in the election petition.
4. Having impressed upon learned senior counsel for the parties

on the previous date, both sides have very fairly stated before us that the Election Petition No. 4/2024 (*Dhruv Narayan Singh v. Arif Masood*) pending before the High Court of Madhya Pradesh at Jabalpur can be transferred to the Delhi High Court. Ordered accordingly.

5. The records of the Election Petition No. 4/2024, referred to above, are ordered to be transferred forthwith to the High Court of Delhi, through a special messenger. We request Hon'ble the Chief Justice of the Delhi High Court to assign the election petition to a Single Bench at the earliest.

6. Since the venue for trial of the election petition has been changed, we deem it appropriate, without expressing any opinion on merits, to set aside both the impugned interim orders dated 17.12.2024 and 08.01.2025. Ordered accordingly.

7. Consequently, the transferee High Court will decide the application under Order 7 Rule 11 CPC afresh, keeping in view the observations made by this Court in the previous round of litigation in order dated 09.09.2024 passed in Civil Appeal No.10388/2024. However, the respondent-election petitioner is granted liberty to apply to the transferee High Court, *inter-alia*, to make out a case that in addition to the issues highlighted in paragraph 8 of our order dated 09.09.2024, there are some additional issues, like the alleged involvement of the appellant in the disbursement of the loan in State Bank of India, which may arise for consideration. Such liberty is granted to the respondent without prejudice to the right of the appellant to contest the application. It goes without saying that the High Court will hear both the sides and pass an appropriate order on the matter. It is clarified that we have not

expressed any opinion in relation to the prayer for formulation of the additional issues.

8. Since the order dated 08.01.2025 has also been set aside, it is obvious that the transferee High Court will frame the issues afresh. The parties shall be at liberty to assist the High Court in framing the issues, which, according to them, arise for consideration.

9. However, before framing the issues, the High Court will first decide the application under Order 7 Rule 11 CPC. Learned senior counsel for the parties have assured us that they will extend full cooperation to the High Court for expeditious disposal of the application as well as the main petition(s), as would be the case.

10. The application under Order 7 Rule 11 CPC ought to be decided by the High Court in a timely manner, preferably within two months from receipt of the original records of the election petition. Depending upon the fate and outcome of the application under Order 7 Rule 11 CPC, the High Court is requested to fix an early timeline within which the main case will also be decided.

11. The appeals stand disposed of, in the above terms.

.....J.
(SURYA KANT)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
APRIL 03, 2025.

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 (C) No(s). 1204/2025

[Arising out of impugned judgment and order dated 17-12-2024 in IA No. 9930/2024 in Election Petition No. 4/2024 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

ARIF MASOOD

Petitioner(s)

VERSUS

DHRUV NARAYAN SINGH

Respondent(s)

(IA No. 10456/2025 - EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No. 2029/2025 (IV-C)

(IA No. 19070/2025 - EXEMPTION FROM FILING O.T.)

Date : 03-04-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. M.R. Shamshad, Sr. Adv.
Mr. Vivek Tankha, Sr. Adv.
Mr. Aditya Samaddar, AOR
Mr. Arijit Sarkar, Adv.

For Respondent(s) :Mr. C. S. Vaidyanathan, Sr. Adv.
Mr. Krishnan Venugopal, Sr. Adv.
Mr. Rudreshwar Singh, Sr. Adv.
Mr. Rohit K. Singh, AOR
Mr. Uday N. Tiwary, Adv.
Mr. Pritam Bishwas, Adv.

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

Leave granted.

The appeals stand disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

(Signed order is placed on the file)