

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MC(EI.Pet.) No. 159 of 2022

Lourembam Rameshwor Meetei

...Applicant/s

Vs.

Md. Nasiruddin Khan & 4 ors.

...Respondent/s

**B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

02-02-2023

Heard Mr. N. Kumarjit, learned senior counsel assisted by Mr. N. Zequeson, learned counsel appearing for the applicant and Mr. HS Paonam, learned senior counsel assisted by Mr. BR Sharma, learned counsel appearing for the contesting respondent No.1. None appeared for the other respondents.

[2] The present application has been filed raising objection to the filing of the written objection by the Election petitioner in the connected MC(EI.Pet.) No. 52 of 2022 (Ref. Election Petition No. 8 of 2022). The said MC(EI.Pet.) No. 52 of 2022 had been filed raising the maintainability of the connected election petition. The grounds raised by the present applicant is that the said written objection had been filed beyond the period of 30 days as prescribed under Order VIII, Rule 1, without seeking leave of this Court or without giving any explanation for the delay in filing the said written objection. Under Order VIII, Rule 1 of the CPC, it is provided that the defendant shall within 30 (thirty) days from the date of service of summon to him, present a written statement of his defence. Under the proviso to Order VIII, Rule 1, it is also

provided that where the defendant failed to file written statement within the said period of 30 days, he shall be allowed to file the same on such other day, as may be specified by the Court, for reasons to be recorded in writing, but which shall not be later than 90 (ninety) days from the date of service of summons.

[3] In the present case, admittedly the written objection was filed beyond 30 days, however, it has been filed well within 90 days from the date of service of summon to the respondent No.1. The main objection raised by the learned senior counsel for the applicant is that the respondent No. 1 did not file any application praying for condoning the delay by explaining the reasons for such delay in filing the said written objection and that in the absence of any such written application, the written objection filed by respondent No. 1 is liable to be rejected.

[4] Since, the said written objection had already filed and placed on record and since the written objection had been filed well within 90 days, this Court is not inclined to reject the said written objection only on the ground that the said written objection was not filed within 30 days. Moreover, if the said written objection is rejected, it will cause great injustice to the respondent No.1 and on the other hand, no prejudice will be caused to the applicant in accepting the said written objection.

[5] In view of the above, this Court is of the considered view that interest of justice will be served by allowing the respondent No. 1 to

file his written objection. In the result, the present application is hereby rejected as being devoid of merit.

[6] Registry is directed to place on record the said written objection in the connected file.

JUDGE

Dhakeshori