

GAHC040001752020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : IA(C)/39/2020

Taniya Soki
S/o Lt. Tapak Soki, R/o village Soki, PO/PS Daporijo, Upper Subansiri Dist. AP

VERSUS

Dikto Yekar
aged about 33 years, S/o Shri Ledik Yekar, R/o village Sikarijo, PO/PS Daporijo,
Upper Subansiri Dist. AP

Advocate for the Petitioner : D Mazumdar, Sr. Advocate

Advocate for the Respondent : Duyu Laji

BEFORE
HONBLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13.08.2024

Heard Mr. D. Soki, learned counsel for the applicant and Mr. D. Laji, learned counsel for the opposite party.

2. This interlocutory application, under Order 16 Rule 1(2), read with Section 151 of the Code of Civil Procedure, is preferred by the applicant for according him permission/leave to adduce evidence in support of the grounds of maintainability of the ELECTION PET. No. 8(AP)/2019, as stated in I.A.(C) No.

227(AP)/2019.

3. Mr. Soki, learned counsel for the applicant submits that the applicant is willing to adduce evidence in support of the ground of maintainability of the ELECTION PET. No. 8(AP)/2019, as according to him, the election petition was not personally presented by the election petitioner and that it was filed after 45 days, and also there is overwriting of date in the election petition itself, and therefore, Mr. Soki has contended to allow this application.

4. On the other hand, Mr. Laji, learned counsel for the opposite party has opposed the application on the ground that filing of this interlocutory application is nothing but an effort to further delay the matter.

5. Having considered the submission of learned Advocates of both the parties and also considering the issue raised in this application, this Court is of the view that opportunity has to be afforded to the applicant to adduce evidence in support of the ground of maintainability of the election petition and accordingly, this application is allowed.

6. In terms of above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant