

GAHC040014732024



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

Case No. : IA(C)/205/2024

Pesi Jilen

Son of Late Gepe Jilen, resident of Ese Kerte, PO and PS Liromoba, West Siang
District, Arunachal Pradesh 791101

VERSUS

Nyamar Karbak

Son of Late Tumnya Karbak, resident of Dego Kamki, PO and SP Kamba, West Siang
District, Arunachal Pradesh 791101

Advocate for the Petitioner : Romjir Rakshap,

Advocate for the Respondent : Marto Kato,

-BEFORE-

HON'BLE MRS. JUSTICE MITALI THAKURIA

04.11.2024

Heard Mr. R. Rakshap, learned counsel for the applicant and Mr. M. Kato, learned counsel for the respondent/Election petitioner.

This is an application praying for deferring the filing of written statement by applicant/ respondent No. 1, wherein, the applicant/respondent No. 1 has raised issue on the maintainability under Section 86 of the Representation of People Act, 1951 challenging the

maintainability of the Election petition filed by the Election petitioner.

It is submitted by Mr. R. Rakshap, learned counsel for respondent No. 1 that written statement/objection has already been prepared and they have appeared today by filing Vaklatnama and submits that due to non-availability of some documents which are required to be filed along with the written statement/objection and hence, vide the Interlocutory Application, the learned counsel for the applicant has prayed for some more time to file written statement/objection.

Mr. M. Kato, learned counsel for the respondent/Election petitioner submits that the notice was served on respondent No. 1 on 06.08.2024 and parties have not filed their written statement/objection and accordingly, it is submitted that on 06.11.2024, the period of 3 months will be expired within which the respondent has to file their written statement/objection as per the procedure laid down under the CPC.

However, considering the submissions made by the learned counsel for both the sides, the present application is allowed and the written statement/objection should be filed on or before the next date of listing.

In view of the above observation, this I.A. stands disposed of.

JUDGE

Comparing Assistant