

REPORTABLE

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

MC (El Pet) No.22 of 2023 with
El Pet No.13 of 2022 with
El.Recr P No.7 of 2022 with
RI.Recr Pet No.8 of 2022

Shri Ningthoujam Mangi, aged about 71 years,
s/o late N.Ibomcha, resident of Kumbi Ward
No.9 PO Moirang, PS Kumbi, District
Bishnupur, Manipur 795133.

... Applicant

-Versus-

1. Mr.Ahanthem Shanjoy Sigh aged about
46 years s/o Ahanthem Surchandra Singh,
Permanent resident of Wangoo Sabal,
Wagoo Ahallup, PO Moirang & PS Kumbi,
Bishnupur District, Manipur 795133.
2. Mr.Sanasam Premchandra Singh, aged about
46 years, s/o (late) Jabamjao @ Sanasam Jaramajao
Singh, Kumbi Salangkonjin Part-2, Near
Public Community Hall, PO Moirang & PS
Kumbi, Dist Bishnupur, Manipur 795133.
3. Dr.Khangembam Romesh Singh aged about
45 years, s/o Shri Khangembam Amrita Singh,
Kumbi Khuga Wangma, PO Moirang & PS
Kumbi, Dist Bishnupur, Moirang 795133.
4. Mrs.Naorem Sorojini Devi, aged about 43 years
w/o Shougrakpam Chandrakumar Singh,
Saiton Maning Leikai, PO Moirang & PS Kumbi
Dist, Bishnupur, Manipur 795133.

... Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**

For the applicant :: Mr.Ajoy Pebamm, Advocate.
For the respondents :: Mr.N.Mahendra, Advocate &
 Mr.B.R.Sharma, Advocate.
Date of hearing :: 23.05.2025.
Date of order :: 19.09.2025

ORDER (CAV)

[1] By the present application, under Order 6 Rule 17 of the CPC, 1908, read with Section 87(1) of the Representation of the People Act, 1951, applicant is praying for allowing amendment of the Written Statement dated 04.07.2022 filed by the respondent No.1 in the main Election Petition No.13 of 2022.

[2] Heard Mr.Ajoy Pebam, learned counsel for the applicant, Mr.N.Mahendra, learned counsel and Mr.B.R.Sharma, learned counsel for the respondents.

[3] It is the case of the applicant that while the applicant filed his Written Statement dated 04.07.2022 in the main Election Petition No.13 of 2022, due to bonafide mistake, certain facts and statements have not been specifically stated and as such amendment of the same is required for determining the real dispute in between the parties and it shall not cause any prejudice to any of the respondents and shall not change the character or nature of the case as well.

[4] It is stated that the facts and statements sought to be incorporated in the Written Statement by way of amendment are

already on record before the Court as the same are there in the pleadings of the Election Recrimination Petition No.8 of 2022 [Ref: Election Petition No.13 of 2022].

[5] Mr. Ajoy Pebam, learned counsel for the applicant/respondent No.2 in the election petition submits that the proposed amendments in the written statement of the respondent No.2 are already on record and has been pleaded in the recrimination petition being El. Recr. Pet. No. 8 of 2022 and these are not new pleas to be introduced by means of amendment. The application for amendment is filed for the sake of formality and in order to introduce the pleading already taken in the recrimination petition filed by the applicant. It is further submitted that no prejudice shall be caused to any of the parties and due to Bonafide mistake, the same could not be incorporated in the written statement of the applicant/respondent No.2 in the election petition. He refers to the following case laws in support of his submission regarding permissibility of amendment in terms of Order 6 Rule 17 CPC:

- (i) **B K Narayan Pilai v. Parameswaran Pilai: (2001) 1 SCC 712-** The power to allow the amendment is wide and can be exercised at any stage of the proceedings in the interest of justice. All amendments of pleading should be allowed which are necessary for determination of the real controversies.
- (ii) **Baldev Singh v. Manohar Singh: (2006) 6 SCC 498-** Power of amendment under Order 6 Rule 17 CPC be construed liberally and may be allowed to determining the real controversy if the application is filed before the commencement of the trial.

- (iii) **Usha Balasaheb Swami v. Kiran Appaso Swami: (2007) 5 SCC 602**- Order 6 Rule 17 CPC stipulates that amendment of pleadings can be allowed at any stage for determining the real controversy between the parties. The proviso however restricts such application if the trial has commenced.
- (iv) **Abdul Rehman v. Mohd. Ruldu: (2021) 11 SCC 341**- Court should allow amendments that may be necessary for determination of the real question in controversy between the parties.
- (v) **Gurbaksh Singh v. Buta Singh: AIR 2018 SC 2635**- The object of Order 6 Rule 17 CPC is that courts should adjudicate the merits of the case that comes before them and should consequently allow all amendments that may be necessary for determining the real controversy between the parties, provided it does not cause injustice or prejudice the other side.
- (vi) **Varun Pahwa v. Renu Chaudhary: AIR 2019 SC 1186**- Inadvertent mistake in memo of parties can be corrected.
- (vii) **Rupadhar Pujari v. Gangadhar Bhatra: (2004) 7 SCC 654**- Law relating to election petition cannot be allowed to be interpreted with much rigidity and by indulging in hair-splitting. Procedural law must be construed to really serve as handmaid of justice, make them workable and advance the ends of justice.

[6] Learned counsel for the applicant submits that in view of the decisions cited above, the application for amendment of written

statement of the respondent No.2 be allowed, as the same will not introduce new pleas and will not prejudice any of the parties.

[7] Mr. B R Sharma, learned counsel for respondent No.1/ election petitioner, submits that even if the power of amendment of pleadings as stipulated under the provisions of Order 6 Rule 17 CPC is wide enough and the same can be resorted to at any stage, its applicability in election petition has to be circumscribed by the provisions of the Representation of People Act, 1951. He draws the attention of this Court the provisions of Sections 81, 83, 86 and 87 RP Act which mandates filing of election petition with 45 days, disclosure of all material facts in an election petition, expeditious disposal of the election petition within a period of 6 months and applicability of CPC to be within the framework of RP Act. It is pointed out that new pleas with respect to material facts cannot be introduced by way of amendment that too after expiry of 45 days of limitation. He further submits that the plea to be taken in recrimination petition cannot be introduced in the written statement. Mr. B R Sharma, learned counsel for election petitioner submits that the application of amendment may be dismissed with exemplary cost being devoid of any merit. He relies on the following decisions:

(i) **Harnam Singh v. Tirath Singh: ILR Vol. XVII Punjab Series 798-** The provision of Order 6 Rule 17 CPC would be attracted to the election petition, provided it is not inconsistent with any provision of the Act or Rules.

(ii) **Thangjam Mohendro Singh v. Thokchom Lokeshwar Singh: 2024 SCC OnLine Mani 506-** This Court held in para 8 as

"8. It is the settled principle of law that new plea to change the nature of the case cannot be introduced by way of amendment or in form of subsequent plea. The salutary provisions of Order 8 Rule 9 and Order 6 Rule 17 are aimed to facilitate in arriving

a correct decision based on relevant facts. However, such provisions cannot introduce altogether new facts to change the nature of dispute. In election petition, any introduction of new material facts is to be made within 45 days' time limit fixed by Section 81 of RP Act, if the same is permissible."

[8] Mr. N. Mahendra, learned counsel for the respondent No.2/returned candidate adopts the submissions of Mr. B R Sharma and further adds that the present application is misconceived and the proposed amendment is not required to be incorporated in the written statement of the applicant herein/respondent No.2 in the election petition. In the election petition filed by the respondent No.1 herein against the respondent No.2 herein, the pleadings and materials facts are relating to the respondent No.2. However, in the proposed amendment of the applicant, the material facts intended to be introduced are related to the defects in the nomination and other aspects of the respondent No.1 herein/election petitioner. It is urged that the proposed amendment in the written statement of the applicant will not be a subject matter of the election petition, rather these are the pleading in the recrimination petition filed by the applicant against the respondent No.1 herein. It is prayed that the application for amendment of written statement be dismissed with cost.

[9] On perusal of the pleading of the parties and submissions at bar, this Court frames the following core points for determination:

Whether the material facts for recrimination petition under Section 97 RP Act, 1951 be incorporated in the written statement in election petition by way of amendment of written statement?

[10] Before proceeding further, it will be proper to reproduce some of the relevant provisions of statute.

CODE OF CIVIL PROCEDURE, 1908

Order 6 Rule 17 - Amendment of pleadings

The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties:

Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.

Order 8 Rule 1 - Written statement

The defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence:

Provided that where the defendant fails to file the written statement within the said period of thirty 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 ninety days from the date of service of summons.

REPRESENTATION OF THE PEOPLE ACT, 1951

Section 81 - Presentation of petitions

(1) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) of section 100 and section 101 to the High Court by any candidate at such election or any elector within forty-five days from, but not earlier than the date of election of the returned candidate or if there are more than one returned candidate at the election and dates of their election are different, the later of those two dates.

Explanation.-In this sub-section, "elector" means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

.....

(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

Section 83. Contents of petition

(1) An election petition-

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleged including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

Section 86. Trial of election petitions

(1) The High Court shall dismiss an election petition which does not comply with the provisions of section 81 or section 82 or section 117.

Explanation. - An order of the High Court dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of section 98.

(2) As soon as may be after an election petition has been presented to the High Court, it shall be referred to the Judge or one of the Judges who has or have been assigned by the Chief Justice for the trial of election petitions under sub-section (2) of section 80A.

(3) Where more election petitions than one are presented to the High Court in respect of the same election, all of them shall be referred for trial to the same Judge who may, in his discretion, try them separately or in one or more groups.

(4) Any candidate not already a respondent shall, upon application made by him to the High Court within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the High Court, be entitled to be joined as a respondent.

Explanation. - For the purposes of this sub-section and of section 97, the trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the High Court and answer the claim or claims made in the petition.

(5) The High Court may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(6) The trial of an election petition shall, so far as is practicable consistently with the interests of justice in respect of the trial, be

continued from day to day until its conclusion, unless the High Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(7) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial.

Section 87 - Procedure before the High Court

(1) Subject to the provisions of this Act and of any rules made thereunder, every election petition shall be tried by the High Court, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908) to the trial of suits:

Provided that the High Court shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings,

(2) The provisions of the Indian Evidence Act, 1872 (1 of 1872), shall subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition.

[11] Section 87 of RP Act, 1951 provides that in an election petition, the provisions of Code of Civil Procedure, 1908 shall be applicable as nearly as may be applicable. However, in case of inconsistency between the provisions of CPC and RPA, the special provisions of RPA will prevail over CPC to the extent of such inconsistency. Accordingly, the provisions of Order 6 Rule 17 of CPC for amendment of pleadings will be applicable in a proceeding of election

petition initiated under RP Act subject to the limitation of Section 81 of RP Act which prescribes limitation period for filing election petition as 45 days. In other word, any amendment introducing new material facts within the meaning of Section 83 of the Act will be impermissible after 45 days as prescribed under Section 81. Even though the power of court to allow amendment under Order 6 Rule 17 CPC is wide enough in a suit, the restriction of Section 81 will control such power in view of the express provision of Section 87 of the Act. Likewise, the period of limitation for filing written statement is not provided in the RP Act and as per the provision of Section 87 of the Act, Order 8 Rule 1 CPC for filing of written statement will be applicable in an election petition.

[12] It will be fruitful to refer to some case law in this regard for amendment of written statement in an election petition. In the case of **Salem Advocate Bar Association v. Union of India: (2005) 6 SCC 344**, Hon'ble Supreme Court held that the 30/90 days period in Order 8 Rule 1 CPC for filing of written statement is not mandatory, but is directory and in appropriate the court may extend time to file written statement. However, the outer limit of 90 days has to be respected as far as practicable and extension is to be resorted in exceptional cases for doing complete justice. Relevant para are reproduced below.

"20. The use of the word "shall" in Order 8 Rule 1 by itself is not conclusive to determine whether the provision is mandatory or directory. We have to ascertain the object which is required to be served by this provision and its design and context in which it is enacted. The use of the word "shall" is ordinarily indicative of mandatory nature of the provision but having regard to the context in which it is used or having regard to the intention of the legislation, the same can be construed as directory. The rule in question has to advance the cause of justice and not to defeat it. The rules of procedure are made to advance the cause of justice and not to defeat it. Construction of the rule or procedure which promotes justice and prevents miscarriage has to be preferred. The rules of

procedure are the handmaid of justice and not its mistress. In the present context, the strict interpretation would defeat justice.

21. In construing this provision, support can also be had from Order 8 Rule 10 which provides that where any party from whom a written statement is required under Rule 1 or Rule 9, fails to present the same within the time permitted or fixed by the court, the court shall pronounce judgment against him, or make such other order in relation to the suit as it thinks fit. On failure to file written statement under this provision, the court has been given the discretion either to pronounce judgment against the defendant or make such other order in relation to the suit as it thinks fit. In the context of the provision, despite use of the word "shall", the court has been given the discretion to pronounce or not to pronounce the judgment against the defendant even if the written statement is not filed and instead pass such order as it may think fit in relation to the suit. In construing the provision of Order 8 Rule 1 and Rule 10, the doctrine of harmonious construction is required to be applied. The effect would be that under Rule 10 Order 8, the court in its discretion would have the power to allow the defendant to file written statement even after expiry of the period of 90 days provided in Order 8 Rule 1. There is no restriction in Order 8 Rule 10 that after expiry of ninety days, further time cannot be granted. The court has wide power to "make such order in relation to the suit as it thinks fit". Clearly, therefore, the provision of Order 8 Rule 1 providing for the upper limit of 90 days to file written statement is directory. Having said so, we wish to make it clear that the order extending time to file written statement cannot be made in routine. The time can be extended only in exceptionally hard cases. While extending time, it has to be borne in mind that the legislature has fixed the upper time-limit of 90 days. The discretion of the court to extend the time shall not be so frequently and routinely exercised so as to nullify the period fixed by Order 8 Rule 1."

[13] In the case of **Ram Dayal vs. Brijraj Singh and Ors. : MANU/SC/0269/1969: AIR 1969 SC 110: 1969 INSC 136**, Hon'ble Supreme Court held that amendment in election petition introducing new material facts will be barred after expiry of 45 days as

stipulated under Section 81 of the Representation of the People Act, 1951. Relevant par 2 is reproduced below:

"2. An election petition has, under Section 81(1) of the Representation of the People Act, 1951, to be filed within 45 days of the date of the publication of the result of the election. An application for setting aside the election, that Dataram was below the age of 25 and on that account the election was liable to be set aside under Section 100(1)(d)(i) of the Act made on August 15, 1967, would plainly have been barred, and by amendment the ground could not be permitted to be added. This Court in Harish Chandra Bajpai v. Triloki Singh MANU/SC/0057/1956 : [1957]1SCR370 held that the Election Tribunal has power to allow an amendment in respect of particulars of illegal and corrupt practices, or to permit new instances to be included, provided the grounds or charges are specifically stated in the petition, but its power to permit amendment of a petition under Order VI Rule 17 of the CPC will not be exercised so as to allow new grounds or charges to be raised or the character of the petition to be so altered as to make it in substance a new petition, if a fresh petition on those allegations would on the date of the proposed amendment be barred. By the amendment a new ground for setting aside the election was sought to be introduced, and the High Court was right in rejecting the application for amendment."

[14] In the case of **Muniraju Gowda P.M. vs. Munirathna and Ors.: MANU/SC/0756/2020: AIR 2021 SC 432: 2020 INSC 594**, Hon'ble Supreme Court held that amendment proposing to incorporate new plea after the period of limitation cannot be allowed in an election petition. Relevant para are reproduced below for ready reference:

"16. It is only after two months of the first Respondent filing I.A. No. 4 of 2019 that the Petitioner herein moved an application in I.A. No. 1 of 2020 for amendment of the pleadings by incorporating one paragraph, after the existing para 30 of the election petition. To be precise I.A. No. 1 of 2020 was filed on 11.02.2020 seeking to incorporate one paragraph as para 30(a) in the original election petition. This proposed additional paragraph comprised of two parts, one relating the

*alleged corrupt practices and the other relating to the requirements of Section 101(b) of the Act. By the order impugned herein, the High Court allowed the amendment to the extent of first part of para 30(a), but rejected the amendment as regards the second part which relates to the ingredients of Section 101 (b). **As rightly pointed out by the High Court, the election Petitioner cannot be allowed to suddenly wake up to the reality of lack of pleading of material facts, relating to his rights in terms of Section 101 after more than 18 months of the filing of the election petition. The same is also barred by limitation. Therefore, the High Court did the right thing in disallowing the second part of the proposed para 30 (a) and in striking off prayer (c).***

17. In any case, the second part of paragraph 30 (a) sought to be incorporated by way of amendment, does not satisfy the requirement of pleading of material facts, necessary for the High Court to form an opinion in terms of Clause (a) or (b) of Section 101."

[15] In the case of **V.S. Achuthanandan v. P.J. Francis and Ors.: MANU/SC/0197/1999: 1999 INSC 123**, Hon'ble Supreme Court held in para 14 that introduction of material facts in election petition cannot be introduced by way of amendment after the expiry of the time limit.

"14. It would, thus appear, that the election petition was rejected mainly on the ground that it did not disclose the cause of action as according to the learned trial Judge the allegations regarding corrupt practice were vague and did not disclose "material facts and full particulars" of the corrupt practice alleged. It is evident that the learned trial Judge did not distinguish between the 'material facts' and 'material particulars' of allegations regarding corrupt practices as defined under Section 123 of the Act. The Law on the point is well-settled which appears to have not been taken note of by the learned trial Judge. After referring to various pronouncements of this Court including cases in Balwan Singh v. Lakshmi Narain and Ors. MANU/SC/0192/1960 : [1960]3SCR91, Samant N. Balakrishna and Anr. v. George Fernandez and Ors. MANU/SC/0270/1969 : [1969]3SCR603 . Virendra Kumar

*Saklecha v. Jajiwan and Ors. [1973] 1 SCC 826, Shri Udhav Singh v. Madhav Rao Scindia MANU/SC/0302/1975 : [1976]2SCR246 , F.A. Sapa and Ors. v. Singera and Ors. and Gajanan Krishnaji Bapat and Anr. v. Dattaji Raghobaji Meghe and Ors. MANU/SC/0455/1995 : AIR1995SC2284 and host of other authorities, this Court in L.R. Shivaramagowda etc. v. T.M. Chandrashekar etc. MANU/SC/0756/1998 : AIR1999SC252 held that **while failure to plead 'material facts' is fatal to the election petition and no amendment of the pleading is permissible to introduce such material facts after the time limit prescribed for filing the election petition, the absence of 'material particulars' can be cured at a later stage by an appropriate amendment.** An election petition was not liable to be dismissed *limine* merely because full particulars of corrupt practice alleged were not set out. It is, therefore, evident that material facts are such primary facts which must be proved at the trial by a party to establish existence of a cause of action. Whether in an election petition a particular fact is material fact or not, and as such, required to be pleaded is a question which depends on the nature of the charge leveled, the ground relied upon, and in the light of the special circumstances of the case."*

[16] In **Moirangthem Hemanta Singh v. Paonam Brojen Singh & Anr.:2024 SCC OnLine Mani 507**, this Court discussed the scope of amendment of election petition as embodied under Order 6 Rule 17 of CPC read with the mandatory provisions of Sections 87 & 81 of the Representation of the People Act, 1951 and held as below:

"[21] The principle of amendment as embodied in Order 6 Rule 17 CPC provides for amendment of the pleadings of the parties generally prior to the commencement of trial for determining the true dispute between the parties. However, no new case can be introduced by such amendment. Section 87 of RP Act permits the application of the rules of CPC in an election petition as far as practicable and in case of inconsistency, the provisions of RP Act shall prevail. Reading together the provisions of Order 6 Rule 17 CPC with Section 81 of RP Act, any amendment to election petition has to be made within the stipulated 45 days.

[22] In the present case, the election petitioner prays for introducing a missing page of the affidavit Form-26 of the returned candidate. The issue is whether such an endeavour amounts to amendment of the election petition. If the answer is YES, such an amendment after 58 days will be barred by Section 81 of RP Act. As already observed above, the missing document, ie, Annexure R-1 is only a material document and inserting the same as page 95A will not amount to amendment of election petition, as the necessary material facts have already been averred in para 10, 11 and 12 of the election petition. Accordingly, third point is also decided in favour of the applicant."

[17] In the present case, the applicant is respondent No.2 in the election petition being El. Pet. No. 13 of 2022 filed by the respondent No.1 herein against the respondent No.2 herein/returned candidate. The main pleadings in the election petition are against the respondent No.2 herein with respect to the defects in the nomination paper specially FORM-26 and plea of corrupt practices and concealment of materials facts. The applicant herein/respondent No.2 in election petition has already filed written statement to the election petition on 04.07.2022 and also recrimination petition being El. Rec. Pet. No. 8 of 2022 on 30.05.2022 against the respondent No.1 herein/election petitioner. However, the present application for amendment of written statement under Order 6 Rule 17 CPC was filed on 20.02.2023 with a prayer to include para 9 to 22 to the written statement already filed on 04.07.2022 on the plea that the same could not be incorporated in the written statement by bonafide mistake. It is clarified that the proposed amendment is not new plea and its contents are already incorporated in the recrimination petition filed the applicant against the election petitioner.

[18] This Court has minutely gone through the contents of the proposed amendment as contained in para 7 of the application

proposing to add para 9-22 in the written statement after para 8. On perusal of the contents of proposed para 9-22, it is seen that the facts narrated in these para are against the election petitioner and none of them relates to the returned candidate. It may be noted that the written statement in an election petition is the reply of the defendants/respondents to the averments in the election petition. In the election petition, all the allegations are against the returned candidate and other unsuccessful candidates are impleaded as party, because the election petitioner prays for a relief for declaring him as elected after setting aside the election of the returned candidate. If no prayer is made for declaring the election petitioner as elected and the prayer is simply for setting aside the election of returned candidate, other candidates are not necessary party. Generally, no allegation is made against other defeated candidates in an election petition.

[19] In the present case, the contents of proposed para 9-22 to be incorporated in the written statement, are actually pleadings against the election petitioner which have already been included in the recrimination petition filed by the applicant against the election petitioner and the same have nothing to do with the election petition filed by the election petitioner against the returned candidate. In other words, the contents of the proposed amendment as para 9-22 are not required for determining the controversy in the election petition, because nothing has been alleged against the returned candidate and all the averments are directed against the election petitioner. In fact, e para 9-22 are the pleading to be taken in the recrimination petition. It is settled proposition of law that plea of recrimination cannot be introduced in the written statement by way of amendment. Besides, the proposed amendment does not have any bearing on the election petition.

[20] While upholding the permissibility of invoking the provisions of Order 6 Rule 17 CPC for amendment of pleading specially the written statement in an election petition, this Court is of the considered view that the pleadings of recrimination petition against the election petitioner cannot be incorporated in the written statement filed in the election petition initiated against the returned candidate by the election petitioner. Accordingly, the present application being MC[El.Pet.] No. 22 of 2023 is dismissed with a cost of Rs.10,000/- [rupees ten thousand] to be deposited in favour of High Court Bar Association of Manipur for relief purpose. The cost is to be deposited within 30 days and proof of the same be filed with the registry.

[21] List the main matter, i.e., El. Pet. No. 13 of 2022 along with connected matters on **06.10.2025** for further proceedings.

JUDGE

FR/NFR

Priyojit

RAJKUMAR
R PRIYOJIT
SINGH

Digitally signed
by RAJKUMAR
PRIYOJIT SINGH
Date: 2025.09.19
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