HC-KAR

NC: 2026:KHC:17202-DB
RP No. 224 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

REVIEW PETITION NO. 224 OF 2022

BETWEEN:

PRIYA KRISHNA
S/O SRI M. KRISHNAPPA
AGED ABOUT 35 YEARS
RESIDING AT NO.2937/38E
'GOVARDHANA PRIYA' SERVICE ROAD,
VIJAYANAGAR
BANGALORE-560 040.

...PETITIONER

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

(BY SRI. DHANANJAY K.V., ADVOCATE AND
SRI. RAJENDRA B. KULKARNI, ADVOCATE)

AND:

1. THE RETURNING OFFICER
FOR THE GOVINDARAJA NAGAR
ASSEMBLY CONSTITUENCY-166
PALIKE SOUDHA, 14TH CROSS
CHANDRA LAYOUT, 1ST STAGE
BANGALORE-560 072
(NOW WORKING AS DEPUTY SECRETARY; BDA)

C/O. THE OFFICE OF CHIEF ELECTORAL
OFFICER KARNATAKA
AT NIRVACHANA NILAYA
SESHADRI ROAD,
BANGALORE-560 001.

2. THE CHIEF ELECTORAL OFFICER
KARNATAKA
AT NIRVACHANA NILAYA SESHADRI ROAD,
BANGALORE-560 001.

3. THE ELECTION COMMISSIONER OF INDIA
AT NIRVACHAN SADAN
ASHOKA ROAD,
NEW DELHI-110 001.

…RESPONDENTS

(BY SRI. SHARASHCHANDRA RAMESH DODAWAD,
ADVOCATE FOR R1 TO R3)

THIS REVIEW PETITION UNDER ORDER 47, RULE 1 OF THE CPC, 1908 READ WITH ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO REVIEW THE FINAL ORDER AND JUDGMENT DATED 05.01.2021 PASSED IN WRIT APPEAL NO.3829/2019 (GM-RES) AND TO ALLOW THE SAID WRIT APPEAL AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

When the matter was called up in the first round, the Junior counsel of the learned counsel for the review petitioner was present in Court, who sought an adjournment for the day, stating that his senior is busy in another Court. However, we declined to adjourn the matter for a day inasmuch as this review petition is pending since the year 2022 against the judgment dated 05.01.2021 passed in the Writ Appeal No.3829/2019, which could well be attended and the submissions could well be made by learned counsel for the review petitioner after attending the other Court.

2. However, when the matter was called out again, no one appears for the review petitioner.

3. The learned counsel for the respondents is present.

4. We have perused the record. The learned Single Judge had held that the writ petition was filed seeking a direction to respondent No.1 therein i.e., the Returning Officer of the Govindaraja Nagar Assembly Constituency-116 to count the Voter Verifiable Paper Audit Trail ('VVPAT') in respect of 271 polling stations of that constituency and further for quashing the order dated 15.05.2018 passed by the Returning Officer on the application made by the petitioner rejecting the plea for counting the VVPAT slips. While dismissing the writ petition, it was observed that the impugned order could not be said to be perverse and did not suffer from the vice of non application of mind. Interference in the impugned order would amount to an exercise in futility. The writ petition was dismissed.

5. In the writ appeal, the judgment of the learned Single Judge was considered and it was held that the petition was filed by the unsuccessful candidate who had chosen not to file an election petition which would, even

otherwise, be barred by limitation. It was held that it was wholly unnecessary to answer the contention of the counsel for the appellant insofar as correctness or otherwise of the impugned order is concerned. The appellant had accepted the outcome of the poll and had not challenged his defeat before the appropriate forum. The findings of the learned Single Judge were duly considered and upheld.

6. We find no error apparent on the face of the record that would merit review of the impugned judgment.

This review petition is accordingly ***dismissed***.

SD/-
(JAYANT BANERJI)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

CR/List No.: 1 Sl No.: 7