

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.4939 OF 2015

ORDER:

1. This Civil Revision Petition is filed challenging the order dated 15.09.2015 in I.A.No.35 of 2015 in E.O.P.No.1 of 2014 passed by the Principal Senior Civil Judge, Rajampet.
2. Heard.
3. The petitioner herein 1st respondent to the E.O.P.No.1 of 2014 filed I.A.No.35 of 2015 to reject E.O.P.No.1 of 2014 filed by one Pokala Ramadevi, who is the elected candidate. The respondents 2 and 3 herein are contested and defeated candidates and respondents 4 and 5 herein are the Chief Executive Officer and the District Election Officer-cum-District Collector, respectively. The said I.A. is filed under Section 233 of the A.P.Panchayat Raj Act (for short 'the Act') r/w 3 and 4 of the Rules of the Tribunal r/w Order VI Rule 15 and Section 151 C.P.C.
4. The contentions are that as per the Rules under the Act, every page has to be signed by the applicant and as well as advocate, that the advocate also not signed on each page but for last page and that stated simply as above facts are true and correct, without giving para numbers. The further contention is that it is not filed on the date it signed but for after some time and copy served to the respondent is different to the copy filed into the Court.
5. The learned Civil Judge-cum-Election Tribunal having considered the same after elaborate hearing and also by from the fact that the Tribunal already commenced examination of PW.1 on 29.12.2014, by holding no grounds to allow the application, dismissed the same. It is impugning the same, present revision is filed under Article 227 of the Constitution of India.
6. Order VI Rule 15 of the Act contemplates as follows:

“The person verifying shall specify, by reference to the numbered paragraphs of the pleading, what he verifies of his own knowledge and what he verifies upon information received and believed to be true. The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.”

7. As laid down by the Apex Court in [Shalini Shyam Shetty and another .vs. Rajendra Shankar Patil](#), it is not only showing an irregularity but also showing prejudice being caused, for the Court by sitting in revision to interfere, invoking Article 227 of the Constitution of India. From the objections raised, nothing is shown of any prejudice caused there from, much less to the contest of the 1st respondent to the E.O.P., a technical defect if at all, say that every page along with the party advocate also to sign but signed on last page, it is a curable defect and to cure at later stage also and the trial Court for that can either ask to sign all pages by returning the petition or to direct for supply of fresh copy by duly signed. Now coming to the other contention of it was not filed on the day it signed, it is not at all a ground to reject, leave about none of the contentions are grounds for rejection. Even coming to the other, mere non-mention of the para numbers in the verification of facts in the pleading as true, not even a ground to reject.
8. Having regard to the above and in the result by left open such contest during trial if shown by a supporting constitutional Court expression to consider as point for decision to answer in final disposal, this civil revision petition is dismissed. There is no order as to costs.
9. Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:19-11-2015

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