

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.1350 OF 2016

ORDER:

This revision is filed under Article 227 of the Constitution of India questioning the Order passed by the Election Tribunal-cum- Junior Civil Judge, Palakonda, in I.A. No.22 of 2014 in E.O.P. No.2 of 2013, whereby the Petition under Rule 11(d) of Order VII of the Code of Civil Procedure, 1908 (for short, 'CPC') was dismissed on the ground that the provisions of CPC have no application to the election petition before the Election Tribunal, relying on the Judgment of the Division Bench of this Court reported in **KUMMARI RAMULU V. GANGARAM PENTA REDDY**^[1]

02. Heard the arguments of learned counsel for the petitioner. None appeared for the respondents.

03. The order passed by the trial court is now challenged before this Court raising several contentions. However, during hearing, learned counsel for the petitioner contended that the provisions of CPC are applicable to the election petition filed before the Election Tribunal and drawn attention of this Court to the Judgment reported in **M.A. FAHEEM UDDIN V. SHAIK NAYEEM AND OTHERS**^[2]. A similar question about rejection of election petition under Rule 11(d) of Order VII of CPC filed by the respondent therein, questioning the maintainability of the election petition came up for consideration. But, this Court following the Judgment in **AZHAR HUSSAIN V. RAJIV GANDHI**^[3], **H.D.REVANNA V. G.PUTTASWAMY AND OTHERS**^[4] and other Judgments held that Rule 11(d) of Order VII of CPC is applicable to the election petitions.

04. In view of the law laid down in the above Judgments, the revision is allowed while directing the trial court i.e. Election Tribunal-cum-Junior Civil Judge, Palakonda, to examine the grounds raised by the petitioner herein for rejection of election petition under Rule 11(d) of Order VII of CPC and pass appropriate orders.

05. Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 24.06.2016

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[\[1\]](#) 2004(3) ALD 280 DB

[\[2\]](#) MANU/AP/0070/2016

[\[3\]](#) AIR 1986 SCC 1253 (1)

[\[4\]](#) (1999) 2 SCC 217