

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.26010 OF 2022

Jyotirmaya @ Jyotirmay Acharya *Petitioner(s)*
Mr.P.C.Jena,Adv.

-versus-

Bhupati Mirdha and others *Opposite Party(s)*
Mr.S.Ghose,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
17.10.2022

Order No.

01. 1. Heard learned counsel for the Parties.
2. Even though for the view of this Court, there is no straightway application of Order 7 Rule 11 application in election disputes and thus not inclined to interfere in such aspect, however, in dismissal of the Writ Petition observes question raised through the Order 7 Rule 11 of C.P.C. application on the maintainability of the election dispute is kept open to be decided in the ultimate trial of the election dispute provided such an issue is raised by the Petitioner herein. Further in the event such issue is framed in the trial of the election proceeding, the issue will be taken for trial and finding on such issue along with other issues shall be however without prejudice to the observation in the rejection of Order 7 Rule 11 application. This Court records the undertaking of the Petitioner to cooperate the trial of the election dispute which is directed to be closed within a period of four months.

3. With this observation, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

Swarna

