

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30008 of 2022

Saibani Lakra

....

Petitioner(s)

Mr. D.P. Mohanty,
Advocate

-versus-

Sunita Majhi and Ors.

....

Opposite Party(s)

Mr. S.P. Panda,
Addl. Govt. Adv.

CORAM:

JUSTICE BISWANATH RATH

ORDER

16.11.2022

Order No.

01.

1. Considering the submission of learned counsel for Petitioner and looking to the question involved in the application U/o.7 rule 11 of C.P.C. as to whether the election dispute is maintainable in absence of clear objection by the defeated candidate in the process of election and or counting? this Court observes, such question cannot be considered in entertaining the application U/o.7 Rule 11 of C.P.C. Thus there is rightful rejection of the application U/o.7 Rule 11 of C.P.C. Petitioner being the returned candidate if has already urged such dispute in the written statement, it may be open to the Petitioner to bring appropriate issue in that regard for consideration of such issue at the time of trial of the matter, but however, along with other issues framed for the purpose.
2. The Writ Petition stands disposed of with the above order.

(Biswanath Rath)
Judge