

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) NO.31949 OF 2022**

Gajendra Majhi

....

***Petitioner***

Mr.A.K.Jena, Advocate

*-versus-*

***Kanhu Charan Negi & Anr.***

....

***Opposite Party(s) .***

*Mr.M.K.Mohapatra,*

*Adv. (O.P.No.1)*

*Mr.S.Mishra, ASC*

**CORAM:  
JUSTICE BISWANATH RATH**

**ORDER  
29.11.2022**

**Order  
No.1**

1. Heard learned counsel appearing for the parties.
2. Involving the impugned order vide Annexure-6, serious allegation is made that through the impugned order there has been allowing of leading evidence on subject neither having any pleading nor any document to support in the time of filing of election dispute. Learned counsel appearing for the contesting opposite party though attempted to establish the existence of pleading on the new document to be incorporated by way of additional evidence, however, on reading of the whole election petition, this Court nowhere finds any pleading involving the original letter dated 09.04.2022 issued by the Headmaster of Government U.P. School, Rajpur in the election petition. In the circumstance, this Court, and for the settled position of law that no evidence beyond pleading remain useful, observes entertaining such

plea and or document and exercise if any on a new area involving a election dispute will be futile and there will be unnecessary wastage of time for such evidence has no value in the ultimate consideration of dispute.

3. In the circumstance, this Court finds the impugned order at Annexure-6 becomes bad. This Court therefore sets aside the order at Anenxure-6. The writ petition succeeds.

***(Biswanath Rath)***  
***Judge***



sks