



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	28.02.2022
DELIVERED ON	15.03.2022

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CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

CR.P. (MD)Nos.280 & 372 of 2022
and
C.M.P. (MD)Nos.1278 & 1461 of 2022

C.R.P. (MD)No.280 of 2022:

K.Udhayakumar ...Revision Petitioner/Petitioner.
1st Respondent

Vs.

1.Palani Jothi ...1st Respondent/1st Respondent/
Petitioner

2.Karuppiah
3.Election Conducting Officer
(Block Development Officer),
Tiruppullani Panchyat,
Ramanathapuram District.

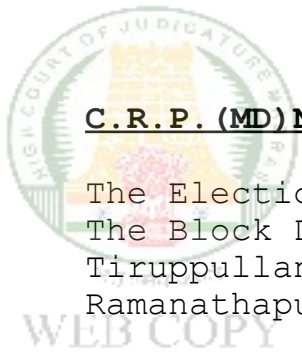
4.District Election Officer, (District Collector),
Ramanathapuram. ...R-2 to R-4/R-2 to R-4/R-2 to R-4

PRAYER: Civil Revision Petition under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.60 of 2021 in E.L.O.P.No.15 of 2020, dated 15.12.2021 on the file of the learned Additional District Judge, Ramanathapuram, by allowing the said application seeking amendment.

For Petitioner :Mr.K.R.Laxman

For R-1 :M/s.J.Barathan
For R-3 & R-4 :Mr.A.Baskaran,
Additional Advocate General
assisted by
Mr.M.Sarangan,
Additional Government Pleader

For R-2 :No appearance



C.R.P. (MD)No.372 of 2022:

The Election Returning Officer,
The Block Development Officer,
Tiruppullani,
Ramanathapuram District.

...Petitioner/3rd Respondent

Vs.

P.Palani Jothi

...Respondent/Petitioner

PRAYER: Civil Revision Petition under Article 227 of the Constitution of India, as against the dismissal order passed in I.A.No.51 of 2021 in E.L.O.P.No.15 of 2020, dated 15.12.2021 on the file of the learned Additional District Judge, Ramanathapuram.

For Petitioner	:Mr.A.Baskaran, Additional Advocate General assisted by Mr.M.Sarangan, Additional Government Pleader
For Respondent	:Mr.J.Bharathan

COMMON ORDER

These Civil Revision Petitions have been filed as against the order, dated 15.12.2021 in I.A.Nos.60 & 51 of 2021 in E.L.O.P.No.15 of 2020, passed by the learned Additional District Judge, Ramanathapuram.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The 1st respondent herein/petitioner has filed a petition in E.L.O.P.No.15 of 2020 against the respondent Nos.1 to 4, seeking declaration. During the pendency of the petition in E.L.O.P.No.15 of 2020, the petitions in I.A.Nos.60 & 51 of 2021 have been filed under Order 6 Rule 17 of Civil Procedure Code, to amend the counter filed in E.L.O.P.No.15 of 2020.

4.Heard on either side. Perused the material documents available on record.

5.The 1st respondent/petitioner in C.R.P.(MD)No.280 of 2020 has filed a petition in I.A.No.60 of 2021 under Order 6 Rule 17 to amend the counter filed by him in E.L.O.P.No.15 of 2020.

6.The 3rd respondent/petitioner in C.R.P.(MD)No.372 of 2022 has filed a petition in I.A.No.51 of 2021 under Order 6 Rule 17 to amend the counter filed by him in E.L.O.P.No.15 of 2020.



7.The 1st respondent/petitioner in both the Civil Revision Petitions has filed a petition in E.L.OP.No.15 of 2020 to declare the success of him as void and to declare him as successor in the election, dated 02.01.2020.

8.The 1st and 3rd respondents in E.L.O.P.No.15 of 2020 have filed an affidavit on 17.02.2021. Already petitioner side evidence was closed. R.W.1 was also cross examined and the case was posted for cross examination of R.W.2. At this stage, the petitions in I.A.Nos.60 & 51 of 2020 have been filed under Order 6 Rule 17 of Civil Procedure Code, to amend the counter.

9.Almost, in the counter, all the paragraphs have to made correction. If the petitions in I.A.Nos.60 & 51 of 2020 are to be allowed, great prejudice caused the entire evidence of P.W.1.

10.Since the facts of the cases are different, the Judgment reported in **1998-1-SCC 278 & 2015-10-SCC-203** are not applicable to the case on hand.

11.Belatedly, the 1st and 3rd respondents have filed the petitions in I.A.Nos.60 & 58 of 2021 in E.L.O.P.No.15 of 2020 without any proper reason.

12.The main averments stated in the plaint are counting of votes are not done properly. The 1st and 3rd respondents have colluded with each other and now, both of them have filed these amendment petitions to amend number of votes already stated in counter. It goes into the roots of the matter.

13.So,the Court below has rightly dismissed the I.A.Nos. 60 & 51 of 2021 in E.L.O.P.No.15 of 2020.

14.Accordingly, these Civil Revision Petitions are dismissed by confirming the order, dated 15.12.2021 in I.A.Nos.60 & 51 of 2021 in E.L.O.P.No.15 of 2020, passed by the learned Additional District Judge, Ramanathapuram. No Costs. Consequently, connected miscellaneous petition is closed.

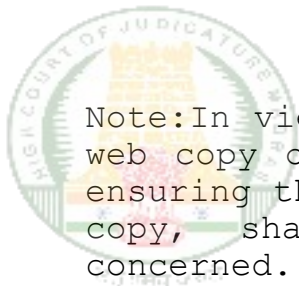
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

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To
The Additional District Court,
Ramanathapuram.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-12550[F] dated 16/03/2022)

+1 CC to M/s.SPL GP (SR-12442[F] dated 16/03/2022)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-12547[F] dated 16/03/2022)

+1 CC to M/s.SPL GP (SR-12443[F] dated 16/03/2022)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-12548[F] dated 16/03/2022)

Common Order made in
C.R.P. (MD) Nos.280 & 372 of 2022
15.03.2022

KSA
MS/24.03.2022/4P.7C