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O.A.No.569 of 2025
and O.A.(SR.) NO.88550 of 2025
in ELP. No.1 of 2024

Dr.G.JAYACHANDRAN, J.

Today, O.A.(SR.) NO.88550 of 2025 is posted under the caption "for maintainability".

2. Heard the learned counsel for the petitioner in OA. No.569 of 2015 along with OA.SR.No.88550 of 2025.

3. Both these applications are inter-connected and the relief sought is in respect of striking-off of a portion of the election petition and a portion of the affidavit filed by the election petitioner to receive the additional documents.

4. This Court, after hearing the learned Senior Counsel appearing for the first respondent at length, and perusing the records, finds that no adjudication on these applications is needed at this juncture. After completion of examining the witnesses, the grounds on which the portion of the pleadings sought to be struck-off will be considered and an



Dr.G.JAYACHANDRAN, J.

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appropriate order will be passed. The Election Petitioner filed his proof
affidavit in lieu of chief examination gracely in the witness box, and
marked Exs.P.1 to P.13.

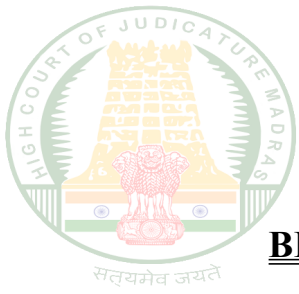
4. In view of the above, O.A.No.569 of 2025 and O.A.(SR.)
NO.88550 of 2025 are disposed of.

5. For cross examination of the witness, at the request of the learned
counsel for the first respondent, adjourn the matter to 26.06.2025 at 02.15
p.m.

19.06.2025

rli

O.A.No.569 of 2025
and O.A.(SR.) NO.88550 of 2025
in ELP. No.1 of 2024



BEFORE THE HON'BLE JUSTICE Dr. G. JAYACHANDRAN

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ELP.No.1 of 2024

Date: 19.06.2025

Time: 2:40 P.M.

Name : Mr.Nainar Nagenthiran (P.W.1)
Age : 64 years
Father's Name : Nainar Devar
Address : No.540/1AB, St. Thomas Street,
Palayam Kottai Taluk,
Tirunelveli District – 627 007.

Chief Examination by Mr.N.L.Rajah, Learned Senior Counsel for the Election Petitioner

Solemnly affirmed:

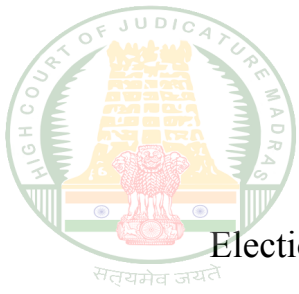
I am the election petitioner. I am filing my proof affidavit stating the facts of the case.

Ex.P1 is a certified copy of the Sale Deed dated 24.10.2001 executed in favour of the first respondent's wife and others.

Ex.P2 is a certified copy of the Sale Deed dated 24.10.2001 executed in favour of the first respondent and others.

Ex.P3 is a downloaded copy of my Identity Card from the Election Commission's website. (Counsel appearing for the 1st respondent objects to the marking of the photo copy of the identity card which is self attested by the petitioner. Subject to objection marked)

Ex.P4 is Form-26, filed by the first respondent downloaded from the



Election Commission's website.

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Ex.P5 is a downloaded list of contesting candidates for 38 Tirunelveli Parliamentary constituency downloaded from the Election Commission's website.

Ex.P6 is a true copy of the order passed in CrI.OP.512 of 2020 dated 12.04.2023 downloaded from the Karnataka High Court's website.

Ex.P7 is a downloaded copy of the result sheet in Form-20 downloaded from the Election Commission's website.

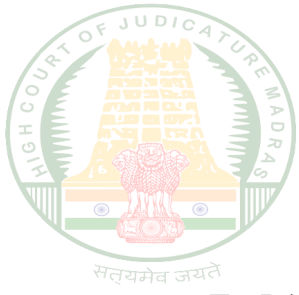
Ex.P8 is a certified copy of the Charge Sheet filed against the 1st respondent in CC. No.1937 of 2019 before the Judicial Magistrate-II, Shivamogga, Karnataka State.

Ex.P9 is a true copy of the Encumbrance Certificate in respect of the property covered under Ex.P1 which was downloaded on 14.07.2022

Ex.P10 is a true copy of the legal notice dated 11.03.2025 issued on behalf of the Election Petitioner to Mr.Nishit Kumar Shetty.

Ex.P11 is a true copy of the legal notice dated 11.03.2025 issued on behalf of the Election Petitioner to Mr.J.N.Naveen.

Ex.P12 is a reply dated 23.05.2025 sent by Mr.J.Naveen, Advocate through his counsel Mr. Shrikanth Patel.



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Ex.P13 is a reply dated 07.04.2025 issued by Mr.Nishit Kumar Shetty, Advocate.

Exs.P4,P5,P7,P9 – The deponent had filed a Certificate under Section 63 of the BSA of 2023 stating that these documents were downloaded from the device under his lawful control. The Learned Counsel appearing for the first respondent objected to the content and format of the affidavit on the ground it is not in the manner prescribed and contemplated under Section 63 of the BSA Act.

Time: 3:15 P.M