
(2012) 12 MP CK 0064
In the Madhya Pradesh High Court
Case No : Writ Petition No. 3618 of 2011

Munni Bai

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 06-12-2012

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 8 Rule 1A

Citation : (2012) 12 MP CK 0064

Hon'ble Judges : R.S. Jha, J

Bench : Single Bench

Advocate : H.S. Verma, for the Appellant; S.P. Rai, Learned Panel Lawyer for the State and Shri Surendra Mishra, Learned Counsel for the Respondent No. 6, for the Respondent

Final Decision : Allowed

Judgement

R.S. Jha, Judge

1. Heard on the question of admission. The petitioner has filed this petition being aggrieved by order dated 30.10.2010 passed by the Election Tribunal rejecting his proceedings filed under Order 8 Rule 1A of the C.P.C. for taking the photocopy of the caste certificate on record as well as order dated 09.02.2011 rejecting the revision filed by the petitioner against the said order before the Collector.

2. It is submitted by the learned counsel for the petitioner that the petitioner has contested the election on the post of Sarpanch of Gram Panchayat Pipra, Tahsil Vijayraghavgarh, District Katni as a candidate belonging to the reserved category of Manjhi. It is stated that in the election petition filed by the respondent, the issue regarding caste of the petitioner was raised, however, the petitioner could not produce her caste certificate at the time of filing of the written statement and in such circumstances she sought permission to file a photocopy of the same before the authority concerned by filing an application under Order 8 Rule 1A of

the C.P.C., which has been dismissed by the impugned orders, hence this petition.

3. It is submitted that as the aforesaid document relating to caste is very much relevant in the election petition, as the same is necessary for deciding the dispute in question, the impugned order be set aside and she be permitted to bring the document on record.

4. The learned counsel appearing for the respondent No. 6 vehemently opposes the contention of the petitioner and submits that under the provisions of Order 8 of the C.P.C., the petitioner was required to file the document alongwith the written statement by specifically mentioning it in the list filed alongwith the written statement, but she did not do so. He further states that the entire evidence of the respondent is over and two witnesses of the petitioner have also been examined and it is thereafter that the petitioner has sought to file the aforesaid document, which has rightly been rejected by the election tribunal. It is submitted that the petitioner had more than ten opportunities to file the document but she chose not to do so and in such circumstances, the petition filed by the petitioner deserves to be dismissed.

5. I have heard the learned counsel for the parties at length and perused the record. I find no illegality or infirmity in the impugned orders warranting exercise of the supervisory jurisdiction of this court to interfere in the same. It is however observed that the main issue pending decision before the election tribunal is the caste of the petitioner and therefore, it would be in the interest of justice as well as in furtherance of the object of doing complete justice, if the said document is taken on record as the same is necessary to decide the issue which goes to the route of the matter.

6. In the circumstances, the petition filed by the petitioner is allowed and it is observed that in case the petitioner produces the original caste certificate alongwith the necessary formalities and deposits cost of Rs. 500/- before the election Tribunal within 15 days, the same may be permitted to be taken on record and thereafter the election petition may be decided as expeditiously as possible preferably within a period of three months thereafter.

7. With the aforesaid direction, the petition filed by the petitioner stands allowed. C.C. as per rules.