

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.11013 OF 2024
(Arising out of SLP(C) No.20354/2024)

T.D. RAJEGOWDA

APPELLANT

VERSUS

D.N. JEEVARAJA & ORS.

RESPONDENTS

O R D E R

1. Leave granted.

2 In the instant case, the appellant was declared the returned candidate in the Karnataka General Elections for the 16th Legislative Assembly. An Election Petition has been filed against him by the respondent, which is currently pending before the High Court of Karnataka.

3. Dr. Abhishek Manu Singhvi, learned senior counsel for the appellant submits that the allegations against the appellant are not only vague and evasive, but also fail to satisfy the statutory mandate of Section 83 of the Representation of the People Act, 1951 (in short, the "Act").

4. On the other hand, Ms. Meenakshi Arora, learned senior counsel for the respondent-Election Petitioner relies upon Section 86(5) of the Act to urge that the particulars of the corrupt practice, disclosed by the respondent in paragraph 23 read with some other paragraphs of the election petition, can be substantiated

by him by amending the election petition or by amplifying the same in such a manner as may be necessary in the opinion of the High Court, for ensuring a fair and effective trial of the election petition.

5. Upon hearing learned senior counsel for the parties, we find that the election petition is broadly based upon two sets of allegations, namely, (i) *re*: wrongful rejection/acceptance of the postal ballot papers; and (ii) the alleged corrupt practices adopted by the appellant-returned candidate.

6. As regard to the first set of allegations, namely, wrongful rejection of the ballot papers, there is no serious contest and, therefore, the High Court will proceed with the election petition on that ground in accordance with law.

7. As regard to the allegations of corrupt practice, we find that the respondent-election petitioner has placed on record a list of documents/material/proof in purported support of the insinuations of the corrupt practice attributed to the appellant. Those documents/material/proof are yet to be formally brought on record by the election petitioner and have thus not been exhibited so far. We are, therefore, of the view that the appellant shall be entitled to raise his objection against admissibility or relevance of these documents/material/proof at an appropriate stage and the Election Tribunal-cum-High Court is requested to consider

such objections in accordance with law, uninfluenced by the observations made in the impugned order.

8. The appeal is, thus, allowed in part and impugned order of the High Court is modified to the extent above.

.....J.
(SURYA KANT)

.....J.
(UJJAL BHUYAN)

New Delhi;
September 27, 2024

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).20354/2024

(Arising out of impugned final judgment and order dated 05-07-2024 in IA No. 2/2024 passed by the High Court of Karnataka At Bengaluru)

T.D. RAJEGOWDA

Petitioner(s)

VERSUS

D.N. JEEVARAJA & ORS.
(FOR ADMISSION)

Respondent(s)

Date : 27-09-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Anand Sanjay M Nuli, Sr. Adv.
Mr. Ashwin Chikkamath, Adv.
Ms. Akhila Wali, Adv.
Mr. Shiva Swaroop, Adv.
Ms. Keerthi Krishna Reddy, Adv.
Mr. Priyansha Sharma, Adv.
M/s. Nuli & Nuli, AOR

For Respondent(s) Ms. Meenakshi Arora, Sr. Adv.
Mr. M S Shyamsundar, Sr. Adv.
Ms. Ashima Mandla, AOR
Ms. Mandakini Singh, Adv.
Mr. Chandratanay Chaubey, Adv.
Mr. S Sriram, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in part in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

(signed order is placed on the file)