

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.5370-5371 OF 2025
(Arising out of SLP(C)Nos.10834-10835 of 2025)

B. MANICKAM TAGORE

... APPELLANT

Versus

V.VIJAYA PRABHAKARAN & ORS.

... RESPONDENTS

O R D E R

1. Leave granted.

2. The appellant, a Returned Candidate from 34 Virudhunagar Parliamentary Constituency, in the State of Tamil Nadu, is aggrieved by the order dated 04.03.2025, passed by the High Court of Judicature at Madras, whereby his two applications; one under Order VII Rule 11 CPC, to reject the Election Petition No.4/2024, filed by respondent No.1, and another application under Order VI Rule 16 CPC to strike off some of the pleadings in the Election Petition, have been dismissed.

3. We have heard Dr. Abhishek Manu Singhvi, learned Senior Counsel for the appellant as well as Dr. S Muralidhar, learned Senior Counsel for respondent No.1 and carefully perused the material placed on record.

4. During the course of hearing, learned Senior Counsels have taken us to the averments made in the Election Petition as well as the contents of the two applications moved by the appellant herein. In addition, a pointed reference has been made to the facts disclosed by the appellant in Form-26.

5. On going through the above-stated material, we are satisfied that both the applications, moved by the appellant, require re-consideration by the High Court. It seems that some of the pleadings in the Election Petition are liable to be struck off. However, whether the entire Election Petition can be rejected on acceptance of an application under Order VII Rule 11 CPC, is a debatable issue, which shall be resolved by the High Court afresh after hearing the parties.

6. Dr. Abhishek Manu Singhvi, learned Senior Counsel for the appellant submits that instead of pressing all the original grounds in the application under Order VII Rule 11 CPC, the appellant shall submit an additional affidavit restricting the grounds which he now propose to plead before the High Court. A similar opportunity shall be granted to the Election Petitioner also.

7. We request the High Court to decide both the applications expeditiously without being influenced by the observations made in the impugned order.

8. It is also clarified that we have not expressed any opinion on the merits of the case.

9. The appeals stand disposed of in the above terms.

10. As a result, the pending interlocutory application also stands disposed of.

.....J.
(SURYA KANT)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
APRIL 21, 2025.

ITEM NO.46

COURT NO.3

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).10834-10835/2025

[Arising out of impugned final judgment and order dated 04-03-2025 in OA No.921/2024 and OA No.922/2024 passed by the High Court of Judicature at Madras]

B. MANICKAM TAGORE

Petitioner(s)

VERSUS

V.VIJAYA PRABHAKARAN & ORS.

Respondent(s)

(IA No. 97211/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 21-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Muhammad Ali Khan, Adv.
Mr. Omar Hoda, Adv.
Ms. Eesha Bakshi, Adv.
Mr. Uday Bhatiya, Adv.
Mr. Kamran Khan, Adv.
Mr. Arjun Sharma, Adv.
Ms. Jayanti Singh, Adv.
Ms. Gurbani Bhatia, Adv.
Mr. Usman Ghani Khan, AOR

For Respondent(s) Dr. S Muralidhar, Sr. Adv.
Mr. N C Ashok Kumar, Adv.
Mr. B. Karunakaran, AOR

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

Leave granted.

The appeals stand disposed of in terms of the signed order.

As a result, the pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR

(Signed order is placed on the file)

