**In The Hon'ble High Court Of Himachal Pradesh At Shimla**

Election Petition No: \_\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

Election Petition Under Section 80, 81 read with Section 100 of the Representation of the People Act, 1951 against the election of the respondent from \_\_ Assembly Constituency in Himachal Pradesh, praying that the election of the respondent be declared to be void and set aside \_\_ with further prayer to declare the petitioner as elected candidate

Shimla                                                                                      Petitioner

\_\_\_\_\_\_\_                                                                                  Through, Advocate

Respectfully Sheweth;

1.  That after issuance of the Notification by the Governor of Himachal Pradesh calling upon the Assembly Constituencies in the State of Himachal Pradesh to elect the members for the Himachal Pradesh Legislative Assembly, the Election Commission of India vide Notification issued under Section 30 of the Representation of the People Act, 1951 (hereinafter referred to as the Act) announced the Programme for holding of the elections to the Himachal Pradesh Assembly as follows:-

(i)  Filing of nomination papers   \_\_\_\_\_\_\_

(ii) Scrutiny of nomination papers \_\_\_\_\_\_\_

(iii) Withdrawal of nomination papers \_\_\_\_\_\_\_

(iv) Allotment of symbols   \_\_\_\_\_\_\_

(v)  Date of polling, if necessary \_\_\_\_\_\_\_

(vi) Counting of votes \_\_\_\_\_\_\_

2.  That the petitioner filed his nomination paper on \_\_ being set up by the \_\_ party and the respondent filed nomination paper sponsored by \_\_ party from \_\_ constituency \_\_.  After scrutiny and withdrawal of nomination papers as many as \_\_ candidates remained in the field and the polling took place on \_\_.  After the counting of votes, the result of election was declared by the Returning Officer on \_\_ and the candidates were shown to have secured the votes as follows:-

|  |  |  |  |
| --- | --- | --- | --- |
| Sr. No. | Name of Candidate | Party polled | Affiliation Number of votes |
| (a) |  |  |  |
| (b) |  |  |  |
| (c) |  |  |  |
| (d) |  |  |  |

and the respondent \_\_ was declared to have been duly elected by the Returning Officer on \_\_.

3.  That the returned candidate, ie; the respondent \_\_ during the impugned election \_\_

4.  That the respondent committed the corrupt practices as envisaged under Section 123 (7) of the Act as \_\_.  This has enhanced winning chances of the respondent.

5.  That the respondent committed the corrupt practices of bribery as envisaged under Section 123 (1) (A) & (B) of the Act as \_\_.  This has enhanced winning chances of the respondent.

6.  \_\_\_\_\_\_\_\_

GROUNDS

7.  That the petitioner is invoking the extra-ordinary jurisdiction of this Hon'ble court and seeking indulgence on the following grounds amongst other each one of which is without prejudice to and independent of other :-

(a)  That such an act of omission and commission on the part of the respondent whereby they have \_\_, is illegal, arbitrary, malafide, discriminatory, and against the well-established principles of natural justice as well as violative of the mandatory provisions of the Constitution of India.

(b)   That \_\_\_\_\_\_\_

(c)   That the impugned act of the respondent is against the well settled principles of law laid down by the Hon'ble Supreme Court and this Hon'ble court in catena of cases.

3.  That the petitioner has deposited Rs. 2000/- \_\_ as security in this Hon'ble Court vide receipt No. \_\_ dated \_\_.

4.  That the petitioner is submitting two extra copies of election petition duly attested to be true copy of the petitioner.

5.  That the election under challenge pertains to \_\_ Constituency in Himachal Pradesh, which falls within the jurisdiction of this Hon'ble Court.

6. That the petitioner has no other speedy and efficacious remedy available except to approach this Hon'ble court by way of the present petition.

7. That the petitioner has not filed any other petition on same or similar grounds either before this Hon'ble court or before the Supreme Court of India.

8. That the petitioner, therefore, prays that for the reasons submitted in the election petition:-

(a) the election of the returned candidate, ie; the respondent from \_\_ Assembly Constituency, of Himachal Pradesh Legislative Assembly be declared void and set aside,

(b)  the respondent be declared to be disqualified from contesting the elections;

(c)  Allow the cost of this petition to the petitioner, and;

(d)  Allow such other relief or pass such other orders as deemed fit and proper in the facts and circumstances of the case in favour of the petitioner and justice be done.

**AND FOR THIS ACT OF KINDNESS, THE HUMBLE PETITIONER AS IN DUTY BOUND, SHALL EVER PRAY.**

Shimla                                                                          Petitioner

\_\_\_\_\_\_                                                                        Through, Advocate

Verification:

Verified at Shimla this \_\_\_\_\_\_ that contents of paragraphs \_\_\_\_ are true and correct to my own knowledge whereas paragraphs \_\_\_\_\_ are based on the information received from Sh. \_\_\_\_\_, which I believe to be true.  No part of it is false and nothing material has been concealed.

Shimla                                                  Petitioner

\_\_\_\_\_\_

**FORM 25**

**(See Rule 94A)**

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

Election Petition No:\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

**Affidavit**

I,\_\_\_\_\_\_, the petitioner in the accompanying election petition calling in question the election of Sh. \_\_ (Respondent No. \_\_ in the said petition) do hereby solemnly affirm and declare as under :

(a)  That the statements made in paragraphs \_\_\_\_\_ of the accompanying election petition about the commission of the corrupt practice of \_\_\_\_ and the particulars of such corrupt practice mentioned in paragraphs \_\_\_\_\_\_ of the same petition and in paragraphs \_\_\_\_\_ of the Schedule annexed thereto are true to my knowledge;

(b) That the statements made in paragraphs \_\_\_\_\_ of the said petition about the commission of the corrupt practice of \_\_\_\_\_ and the particulars of such corrupt practice given in paragraphs \_\_\_\_\_ of the said petition and in paragraphs \_\_\_\_ of the Schedule annexed thereto are true to my information;

(c)  That I further solemnly affirm and declare that this affidavit of mine is correct and no part of it is false and nothing material has been concealed therein.

Affirmed at Shimla this the \_\_\_\_\_\_

Deponent

Solemnly affirmed/sworn by Sh. \_\_\_\_\_\_ at Shimla this \_\_\_\_\_\_.

                                                            Before me,

Magistrate of First Class/ Notary/ Commissioner of Oaths

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

Election Petition No:\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

INDEX

|  |  |  |  |
| --- | --- | --- | --- |
| S. No. | Annx | Particular | Page Nos. |
| 1. |  | Memo of Parties | 1 |
| 2. |  | Election Petition | 2\_\_ |
| 3. |  | Affidavit | \_\_ |
| 4. | P-1 | \_\_ | \_\_ |
| 5. | P-2 | \_\_ | \_\_ |
| 6. | P-3 | \_\_ | \_\_ |
| 7. | P-4 |  |  |
| 8. | P-5 |  |  |
| 9. | P-6 |  |  |
| 10. | P-7 |  |  |
| 11. | P-8 |  |  |
| 12. |  | Statement of address of the petitioner |  |
| 13. |  | Statement of address of Respondent |  |
| 14. |  | Form B |  |
| 15. |  | Form BB |  |
| 16. |  | Power of Attorney |  |

Shimla                                                                                      Petitioner

\_\_\_\_\_\_                                                                                    Through, Advocate

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

Election Petition No.:\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondent

Statement of Address of the Petitioner

Shimla                                       Petitioner

\_\_\_\_\_\_

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

Election Petition No.: \_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondent

Statement of Address of the Respondent

The Address of the respondent at which service of notices or other purposes may be made on respondent:-

Shimla                                                                                                  Petitioner

**FORM B**

**List of Documents Produced by the Petitioner**

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

Election Petition No:\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

List of Documents Produced with the Petition (or at first hearing) on behalf of the petitioner.

**The list was filed by the petitioner this \_\_\_\_\_\_.**

**S.No Details, date     What is        If documents    If rejected**

**documents         intended       filed what is   then the**

**to be          the Exh marked  date of**

**proved from    on it           return of**

**document                       documents**

**ÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄ**

**\_\_**

**----------------------------------------------------------------**

**Date:   &@&**

**Counsel for Plaintiff/Defendant**

**FORM BB**

**List of Documents Relied Upon by the Petitioner**

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

**Election Petition No:     of 2003**

**-2-**

**Petitioner**

**Versus**

**-3-**

**Respondents**

**The list was filed by the petitioner this &@&.**

**ÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄ**

**S.No Details, date What is    In Whose If documents  If rejected**

**documents     intended   possess- filed what is then the**

**to be      ion docu the Exh marked date of**

**proved from ment is on it          return of**

**document                           documents**

**ÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄÄ**

**\_\_**

**----------------------------------------------------------------**

Date:   \_\_\_\_\_\_

Counsel for Plaintiff/Defendant

Verification: Verified at Shimla this \_\_\_\_\_\_ that the contents of above document are true and correct as per the photocopy of the same issued by the competent authority.

Shimla                                                                                      Petitioner

\_\_\_\_\_\_