**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

Written Statement/Reply to the Election Petition on behalf of the Respondent No. \_\_\_\_\_\_

Respectfully Sheweth;

PRELIMINARY OBJECTIONS/SUBMISSIONS:

1. That the petitioner is time barred and is required to be dismissed at the preliminary stage in view of Sub-Section (1) of Section 86 of the Representation of the People Act, 1951 (hereinafter to be referred as the Act), as the election petition has to be filed under Section 81 (1) of the Act within 45 days from the date of election of the returned candidate.

2. That the petition lacks concise statement of material facts on which the petitioner relies with regard to corrupt practices and as such the petition is liable to be dismissed.

3. That under Section 83 (1) (b), the Election Petition shall set fort full particulars of corrupt practices that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice and which has not been done and the petition is liable to be dismissed.

4. That the petition has not been verified as required under Order 5 Rule 15 of CPC and hence the same is required to be dismissed.

5. That the schedules/annexures to the petition have not been signed and verified by the petitioner in the manner provided under Order 5 Rule 15 of the CPC and hence the same is required to be dismissed.

6. That as the petitioner is alleging corrupt practices, the petition is to be accompanied by an affidavit in support of the petition in prescribed form in support of such corrupt practices which has not been done as required by law and as such there is violation of Section 83 of the Act and the petition is liable to be dismissed.

7. That the copy of the petition which has been supplied to the respondent is not true copy of the original and as such under Sub Section (1) of Section 86 of the Act, the petition is liable to be dismissed.

8. That the annexures/schedules which are integral part of the petition have not been attested by the petitioner under his own signature to be true copy of the petition and as such the petition is liable to be dismissed at the preliminary stage under Section 86 (1) of the Act.

9. That whole of the petition is based upon the allegations of corrupt practices under Sections \_\_\_\_\_\_ 123 (1A) (b), 123 (2) and 123 (7) of the Act, the allegations if read in the right perspective would show that the allegations do not constitute corrupt practices as provided under Section 123 of the Act.

10. That the verification/affirmation of the affidavit has not been made by the Oath Commissioner as per requirement of Rule 94 (A) and Form 25 of the Conduct of Election Rules, 1961.

11. That the note of Oath Commissioner as appended at page 14 of the petition has not been reproduced in the copies so as to meet the requirement of law of Rule 13 (c) of the High Court Rules and Orders, 1997, moreso the copy supplied to the respondent is not the true copy, thereby violating sub-section 3 of Section 81 of the Act and hence the petition is liable to be dismissed.

12. That the affidavit is not in accordance with law and it is not in consonance with the petition as such the petition is not maintainable.

13. That the copies of the petition do not conform to the original petition and as such the petition is liable to be dismissed.

14. That the annexures which have been filed with the copy of the election petition are illegible and incomplete and as such the petition is vague and liable to be quashed.

REPLY ON MERIT:

1.    \_\_\_\_\_\_

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

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Shimla                                                                                                  Petitioner

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