

HIGH COURT OF DELHI: NEW DELHI

No.303/Rules/DHC

Dated : 18.10.95

OFFICE ORDER :

It has been noticed that a practice is prevalent in the Registry of this Court to return election petitions to the party filing them for the purpose of rectifying the defects/objections pointed out by the Registry and then re-filing the same. Such a practice is contrary to the provisions of the Representation of Peoples Act and Election Rules framed by the High Court. The endorsement made in the Registry simultaneously with the filing of election petition is in the form of a rubber stamp which has no provision for mentioning the name of the person presenting the petition and the person(s) accompanying or identifying him at the time of presentation. This practice is also contrary to the provisions of S.81 of the Representation of Peoples Act, 1951. Both these points came up for judicial scrutiny in the case of "Harcharan Singh Josh Vs. Hari Kishan," EP 6/95 decided on 26-5-95.

In accordance with the observations made in the said judgment, Hon'ble the Chief Justice vide orders dated 23-8-95 passed in a separate case, has been pleased to order that :-

- (i) the Registry shall not return election petitions to the party filing the same under any circumstances once it has been presented. The defects/objections if any pointed out by the Registry shall be placed before the Election Judge for orders;
- (ii) the following endorsement shall be made on the election petition at the time of presentation :-

Presented by Shri \_\_\_\_\_  
Petitioner/s \_\_\_\_\_ in person \_\_\_\_\_  
accompanied by/identified by Shri \_\_\_\_\_  
\_\_\_\_\_ advocate on \_\_\_\_\_  
at \_\_\_\_\_ AM/PM. (DATE)  
(TIME)

The above directions shall be strictly complied with by the relevant officer/officers with immediate effect.

Sd/-  
(M.A. KHAN)  
REGISTRAR