

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

Tuesday, the 21<sup>st</sup> day of March 2023 / 30th Phalguna, 1944

IA.NO.1/2023 IN EL.PET. NO. 11 OF 2021

PETITIONER/ RESPONDENT IN ELECTION PETITION:

A.RAJA, AGED 38 YEARS, S/O. ANTHONY, 5/386, KUNDALA ESTATE,  
S.P.PURAM, IDUKKI DISTRICT, PIN-685617

RESPONDENT/ PETITIONER IN ELECTION PETITION:

D.KUMAR, AGED 63 YEARS, S/O. DURAIRAJ, TANDUM HOUSE, OLD MUNNAR,  
IDUKKI DISTRICT-685612.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to stay the operation of judgment dated 20.03.2023 in the above Election Petition for a period of 30 days from the date of the judgment.

This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, this court's judgment dated 20.03.2023 and upon hearing the arguments of M/S N.RAGHURAJ, SAYUJYA Advocates for the Petitioner in IA No.1/2023 / Respondent in Election Petition and of M/S M.NARENDRA KUMAR, M.J.SAJITHA, Advocates for the Respondent in IA No. 1/2023 / Petitioner in Election Petition and of SRI.DEEPULAL MOHAN, STANDING COUNSEL for the ELECTION COMMISSION OF INDIA, K.S.BHARATHAN (ADVOCATE COMMISSIONER) , the court passed the following



**P.SOMARAJAN, J.**

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**I.A.No.1 of 2023 in  
Election Petition No.11 of 2021**  
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**Dated this the 21<sup>st</sup> day of March, 2023**

**O R D E R**

Heard both sides.

It is an application under Section 116 B of the Representation of People Act, 1951 to stay the operation of the judgment of this Court so as to enable the petitioner/respondent to prefer an appeal before the Apex Court. The judgment was pronounced yesterday and uploaded. As an abundant caution, it deems fit to grant stay of operation of the judgment of this Court for a period of ten days from today or till the date of filing of the appeal before the Apex Court, whichever comes first. Hence, ordered accordingly, subject to the condition that though the respondent can participate in the State Assembly, he will not get any right of voting or any remuneration or emoluments as that of a Member of Legislative Assembly for the said period.

I.A.No.1 of 2023 in  
EP No.11 of 2021

2

Send a copy of this order to the Election Commission of India and the Speaker or Chairman of the Kerala State Legislative Assembly forthwith.

Sd/-

**P . SOMARAJAN**  
**JUDGE**

DMR/-



