535

SUPREME COURT OF INDIA

ADVOCATES-ON-RECORD EXAMINATION - JUNE, 2023

Roll No. 168 **Dated** 13th June, 2023 (Tuesday)

Paper No. - II **Signature of the Candidate** [redacted]

Name of the Paper: Drafting

1. Kindly write your Roll Number **only** on the left hand corner of this page at the place provided. The Roll Number shall **not** be written anywhere else.
2. The name of the candidate shall **not** be written anywhere in the answer sheet.
3. The candidate shall **not** put his/her signature anywhere else except at the designated place above on the flying sheet.
4. Kindly write on **both sides** of the answer sheets and number the pages.
5. Kindly use only **one type of ink** throughout.

Assistant Registrar
(AOR Examination)
Supreme Court of India

[redacted]
Signature of the Invigilator

SUPREME COURT OF INDIA
ADVOCATES-ON-RECORD EXAMINATION (JUNE, 2023)

Roll No. 535

13.06.2023

Name of the Paper: Drafting (Paper-II)

1. Kindly write your Roll Number only on the left-hand corner of this page at the place provided. The Roll Number shall not be written anywhere else.
2. The name of the candidate shall not be written anywhere in the answer sheet.
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MARKS OBTAINED

Q.1	14
Q.2	14
Q.3	14
Q.4	15
Q.5	15
Total Marks 72	Initials of the Examiner [redacted]

Assistant Registrar
(AOR Examination)
Supreme Court of India

Mohit Kumar Gupta, Advocate-on-Record, Supreme Court of India

3

DATE 1

Answer No. 5 (Five)

IN THE SUPREME COURT OF INDIA
EXTRAORDINARY CRIMINAL WRIT JURISDICTION
PUBLIC INTEREST LITIGATION

WRIT PETITION (CRIMINAL) NO ___ OF 2023

IN THE MATTER OF:

_____ Petitioner

Versus

_____ Union of India and ors. ... Respondent(s)

WRIT PETITION IN THE NATURE OF PUBLIC INTEREST PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA READ WITH ORDER XXXVIII RULE 12(1)(d) OF THE SUPREME COURT RULES, 2013 FOR THE PURPOSE OF EFFECTIVE IMPLEMENTATION OF THE MANDATE OF THE PCPNDT ACT, 1994

To
Hon'ble the Chief Justice and His companion Judges of the Supreme court of India

The humble petition of the petitioner above-named

MOST RESPECTFULLY SHOWETH:

1. That the present petition has been filed by the petitioner under Article 32 of the constitution of India seeking enforcement

of the fundamental rights enshrined under Articles 14, 19 and 21 of the constitution through effective implementation of the mandate of the PCPNDT Act, 1994.

2. That the petitioner is a public spirited person having Annual Income _____ (PAN _____) is gainfully employed as a _____ in the National capital territory of Delhi, and whereas the respondents constitute 'state' within the meaning of Article 12 of the constitution of India.

3. That the brief facts which are relevant herein are as follows:

(i) That PCPNDT Act provides that pre-natal diagnostic test or procedure can be conducted only for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities of congenital anomalies or sex linked diseases. That further, the Act prohibits selection of sex before and after conception, determination and disclosure of the sex of foetus. That furthermore, the Act prohibits any advertisement relating to pre-natal determination of sex.

(ii) That it is learnt that certain doctors in the field of public health and nutrition have adopted a modus operandi whereby they engage in giving advertisements through sponsored links for sex determination of a child in the foetus. That further, in some cases, the advertisements are through smart algorithms through commonly used

words and keyword searches in popular search engines, and therefore, are violating the PCPNDT law with impunity.

(iii) That the respondent no. 1 i.e. the Ministry of Electronics and Information Technology has been totally ineffective in curbing the said malady, and whereas also the respondent no. 2 i.e. Ministry of Health and Family Welfare, is found to be deeply concerned with escheered sex ratio between the female and the male child.

(iv) That it is researched and found that the popular search engines are taking refuge in section 79 of the IT Act, 2000 which exempts intermediaries from liability against any third party information data, or communication link made available or hosted by them.

(v) That the said engines seek to defend by maintaining that they exercise no control over third party content, and therefore, not liable for prosecution under either the PCPNDT Act, 1994 or the IT Act, 2000. That further, some of the engines said that they are not amenable to the laws in India since they are located outside India and have offices in India only for operational purposes.

4. That such unpunished acts are constituting an industry in itself operating on a large scale which is causing threat to life of humans and causing imbalance in the sex ratio of the country.

DATE

5. That the following issues arise for due consideration of this Hon'ble court:

(i) whether search engines located in a foreign jurisdiction with operational offices in India are amenable to ~~the jurisdiction of this Hon'ble court~~ the laws in India?

(ii) whether search engines are liable for prosecution under PCPNDT and/or IT Act, 2000?

6. GROUNDS

The petition needs consideration on the following grounds:

A. BECAUSE the sex ratio in India is already highly skewed towards females in the population census carried last;

B. BECAUSE the life of humans protected under Article 21 is being taken without any legal course, there being vaccum created by the law itself.

C. BECAUSE the legal provisions of the PCPNDT Act and IT Act, 2000 are proving to be weak in prosecuting the offenders.

D. BECAUSE the respondents are unable to provide effective mechanism to regulate intermediaries in the country.

E. BECAUSE the Medical council of the state are lethargic in taking actions against the involvement of doctors.

7. That the petitioner states that he has no personal interest in the outcome of the present proceedings, except as a member of the general public.

8. That the petitioner discloses that no civil, criminal or revenue litigation is ongoing having nexus with the issues raised in the present petition.

9. That the petitioner discloses that no representation was made to the Union of India or any other respondents regarding the ineffective implementation of mandate of PCPNDT Act, 1994.

10. That the petitioner states that no other petition seeking the same relief has been filed by the petitioner, and to the knowledge of the petitioner, such issues have not been dealt by any court yet.

11. That the present petition is bonafide in the interest of justice.

PRAYER

It is therefore, most respectfully prayed that this Hon'ble court may be pleased to:

(a) issue an appropriate writ, order or direction directing the union of India to forthwith direct the search engines to block information, data or communication links providing sex determination through the search engines within a period of three month;

(b) issue an appropriate writ, order or direction directing the union of India to forthwith start registering cases

for offences being committed under the PCPNDT Act, 1994 read with IT Act, 2000.

(c) pass such other or further orders as this Hon'ble court may deem fit and proper in light of facts and circumstances of the present case.

And, for this act of kindness, the petitioner as in duty bound shall ever pray.

Drawn and Filed by:

NEW DELHI

(Advocate for the Petitioner)

settled by:

(15)

Mohit Kumar Gupta, Advocate-on-Record, Supreme Court of India

DATE 7

Answer No. 2 (TWO)

SYNOPSIS

The petitioner have filed the present review petition under Article 137 of the constitution of India seeking review of the judgement and final order dated 11.09.2022 passed in the matter of 'Upmanyu vs Union of India' which held that AICTE was the sole repository of power to lay down parameters of qualitative norms for broader concepts of technical education entailing both theory and practical, and AICTE having not laid down the modalities of how practicals could be conducted through distance mode, imparting of technical courses through distance mode could not have been permitted through Distance Education counsil (DEC). This Hon'ble court was pleased to declare all degrees and diplomas of all the students from the year 2018 till 11.09.2022 to appear in a special examination as one-time measure, however, the petitioner were neither parties the said case nor were otherwise aware of such proceedings. The petitioner had joined the course through distance course pursuant to a public advertisement and were duly admitted to the course through a selection process, attended regular proper classes involving practicals, and are presently gainfully employed in various Government / Private services, and having under threat of losing their livelihoods through this judgement. The petitioner have a sufficient cause to file the present petition seeking review of the judgement, and hence this petition.

10

DATE 8

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

~~CIVIL~~ REVIEW PETITION (CIVIL) No. ___ OF 2023

IN

CIVIL APPEAL NO ___ OF ___

IN THE MATTER OF:

UPAMANYU ___ Petitioner / Appellant

versus

UNION OF INDIA ___ Respondents

AND, IN THE MATTER OF:

___ Review Petitioner

PETITION UNDER ARTICLE 137 OF THE CONSTITUTION OF INDIA READ WITH ~~RULE~~ ORDER ~~XL~~ XLVII OF THE SUPREME COURT RULES, 2013 AND SECTION 114 CODE OF CIVIL PROCEDURE, 1908 AND ORDER XLVII

To

Hon'ble the Chief Justice and Hon'ble Companion Judges of the supreme court of India

The humble petitioner of the petitioners above-named

MOST RESPECTFULLY SHOWETH:

Mohit Kumar Gupta, Advocate-on-Record, Supreme Court of India

1. That the petitioners have filed the present review petition seeking review of the judgement and final order dated 11.09.2022 titled 'Upmanyu vs. Union of India' wherein the Hon'ble court was pleased to declare all the degrees and diploma holders from 2018 till 11.09.2022 to appear in a special Examination to be conducted by the AICTE as a one-time measure to get their Degree/Diplomas validated.

2. That the petitioners submits that the said case was decided in prejudice of the livelihood of the petitioners who were never made aware of such proceedings and therefore did not get the opportunity of being heard in respect thereto.

3. That the petitioners are diploma holders from a duly accredited NAAC 'A' deemed to be university within the meaning of section 3 of the UGC Act, 1956. That further, the petitioners joined the distance course pursuant to a public advertisement and were duly admitted through a selection process, attended regular classes which included practicals.

4. That the petitioners are gainfully employed in different capacities, and with the execution of the judgement, may surely find their livelihood in peril.

5. GROUNDS

That the petitioners have been advised that the matter needs review consideration of this Hon'ble Court.

(i) BECAUSE the petitioners were neither made aware of the proceedings by the AICTE, UGC, or other, nor were

heard in the said petition rendering violation of principles of natural justice.

(ii) BECAUSE the inaction of the AICTE not to frame the modalities of practicals to be conducted through distance mode was an irregularity which could not have rendered the degrees and diplomas subject to invalidation, when petitioners completed the courses properly.

(iii) BECAUSE the condition to appear in a special examination to be conducted after a long period of time being ____ years, the AICTE has prevented itself from estoppel and is causing several prejudice to the petitioners, some of whom have acquired super-speciality degrees thereafter and may not be available to appear due to being based outside India.

(iv) BECAUSE the Hon'ble court perhaps erred in not decided on the vires of the AICTE Act vis-a-vis the powers of the UGC under UGC Act, 1956 with respect to the Distance Education Council jurisdiction, and that error is apparent on record.

c. That the petitioner state that no other petition challenging the said judgement has been filed in any court.

PRAYER

It, is therefore, most respectfully prayed that this Hon'ble court may be pleased to:

(a) allow the review petition against the judgement and final order dated 11.09.2022 titled 'Upamanyu vs Union of India'.

(b) allow the appeal to be ~~the~~ placed on board and be heard again on merits.

(c) pass any other or further order(s) as this Hon'ble court may deem fit and proper in the light of facts and circumstances of the case.

And, for this act of kindness, the petitioner as duty bound shall ever pray.

Drawn and filed by:

(Advocate for the Petitioner)

New Delhi

Settled by

Assistant Registrar
(AOR Examination)
Supreme Court of India

DATE 12

Annexure No. 4 (Four)

~~IN THE SUPREME COURT OF INDIA~~

SYNOPSIS

The petitioner has filed the present ~~transfer petition~~ under section 406 C.P.C. read with order ~~XXXIX~~ of the SC Rule, 2013 seeking transfer of

Assistant Registrar
(AOR Examination)
Supreme Court of India

ANSWER NO. 4 (FOUR)

SYNOPSIS

The petitioner has filed the present petition seeking transfer of section 156(3) Cr.PC proceedings pending ~~against him~~ at Goa as instituted by him and ~~multiple~~ FIRs ~~multiple FIRs~~ registered against him in the states of Goa, ~~others~~ on account of prejudice in conducting his defence at Goa. The petitioner had telecasted a show wherein sting operations were exposed concerning the CM's close aides. The studio of the petitioner was vandalized by a large crowd while chanting slogans in favour of the current state government at Goa. The petitioner having failed to get the FIR registered against the unknown persons moved the jurisdictional Magistrate under section 156(3) of the Cr.PC but despite having an order dated 20.06.2022 to file a status report, the police has failed to act, and the police has not acted in compliance of the said directions. Whereas, multiple FIRs were registered against the petitioner in the states of Rajasthan, Himachal Pradesh, Sikkim and Kerala, besides Goa. Since the petitioner finds prejudice in conducting his defence at Goa, the present petition seeks transfer of the 156(3) proceedings as well ~~clubbing of~~ FIRs to be investigated at a place other than Goa.

Hence, the present petition.

IN THE SUPREME COURT OF INDIA
ORIGINAL CRIMINAL JURISDICTION
TRANSFER PETITION (CRIMINAL) NO. ___ OF ___

IN THE MATTER OF:

McLovin versus State
[section 156(3) Cr.P.C. Proceedings pending in the court of JMFC, Goa vide case No ___ of ___]

AND, IN THE MATTER OF:

FIR No. 122/2022 registered on 13.05.2022 in the state of Goa for offences punishable under section 153A, 153B, 295A, 505, 120-B and 34 of IPC and section 66F of the IT Act, 2000.

AND, IN THE MATTER OF:

TRANSFER PETITION UNDER SECTION 406 CODE OF CRIMINAL PROCEDURE, 1973 READ WITH ORDER XXXIX of SC RULES, 2013

To

Hon'ble the chief Justice and His companion Judges of the Supreme Court of India

The humble petition of the petitioner above-named

MOST RESPECTFULLY SHOWETH:

DATE 16

1. That the petitioner has filed the present transfer petition in respect of transfer of section 156(3) proceedings initiated at the court of JMFC, Goa in case No ____ and proceedings connected with FIR No. 122/2022 registered in the state of Goa under sections 153A, 153B, 295A, 120B and 34 of IPC and section 66F of IT Act, 2000.

2. That the petitioner had anchored a programme consisting of a sting show on the media channel 'Taazte Raho' wherein a sting operation allegedly capturing the CMic (Goa) close aides asking for bribes in return for certain favour was telecasted.

3. That subsequent thereto, the petitioner studio was vandalised by a large crowd gathered while chanting slogans in favour of the current state government, which resulted in some of the members of TV crew getting grievously hurt.

4. That having failed to get an FIR registered concerning the said incident, the petitioner having moved the jurisdictional magistrate got the order dated 20.05.2022 directing the police to file a status report which is pending to be complied with till date.

5. That thereafter, multiple FIRs were got registered concerning the episode against the petitioner in the states of Goa, Rajasthan, Himachal Pradesh, Sikkim and Kerala, wherein the gist is almost identical on the allegation of having insulted a particular community, creeds (cyber) and other, the details of the FIRs are as follows:

(i) FIR No. 122/2022 registered on 13.05.2022 in the state of Goa.

(ii) FIR No. 56/2022 registered on 18.05.2022 in the state of Rajasthan.

(iii) FIR No. 25/2022 registered in the state of H.P.

(iv) FIR No. 10/2022 registered in the state of Sikkim.

(v) FIR No. 66/2022 registered in the state of Kerala

6. That it is significant to point out that the FIRs have been registered in states where the CM's party is in power.

7. GROUNDS

The petitioner relies upon the following grounds:

(i) BECAUSE the petitioner apprehends severe prejudice in conducting his defence at the courts, Goa on account of CM's, Goa stronghold over police machinery.

(ii) BECAUSE the petitioner having been previously twice apprehends personal safety and security from the attacks of the CM's aides & relatives

(iii) BECAUSE the petitioner believes that no assistance shall be made available to the petitioner

in registration of FIR regarding the case instituted under section 156(3) Cr.PC.

(iv) BECAUSE the witnesses available at Goa shall be threatened and evidence shall be interfered with.

8. That the petitioner states that no other petition seeking the relief herein has been filed in any other court.

PRAYER

It is therefore most respectfully prayed that this Hon'ble court may be pleased to:

(a) allow the present transfer petition and transfer the case No ____ and FIR ____ proceedings to any state other than the states of Rajasthan, Himachal Pradesh, Sikkim, Kerala having court of competent jurisdiction to be dealt there with in accordance with law;

(b) direct the costs of proceedings payable to the petitioner.

(c) pass any other or further order(s) as this Hon'ble court may deem fit and proper in the facts and circumstances of the present case.

And, for this act of kindness, the petitioner as in duty bound shall ever pray.

Drawn and Filed by:

New Delhi

(Advocate for the Petitioner)

Settled by:

(15)

NOTE (For or in respect of the question no. 4 Para 6.)
The said para is found to be irrelatable with the other paras of the question, and has therefore, created an engaging confusion pertaining to the relief sought for by the petition. Therefore, the question has been attempted as understood, and the remedy of clarification sought through the Investigator could not fructify in any manner.

DATE 20

Answer No. 3 (Three)

SYNOPSIS

The present special leave petition is sought against the judgement and final order of the Hon'ble High court in the second appeal filed by the original plaintiff by which the Hon'ble court has set aside the judgement of reversal passed the court of Additional District Judge, Bokaro in the Trial Appeal, thereby upholding that the declaration that the Deed of Adoption of the petitioner was illegal, invalid and not binding on the original plaintiff as well as the substituted plaintiff. The petitioner having been validly adopted under the Hindu Adoption and Maintenance Act, 1956 by the original plaintiff, and therefore, the petitioner was entitled to the suit properties of his late father. The petitioner has raised substantial questions of law of general importance before the Hon'ble High court, but the same were not decided at all, and a summary judgement was passed against the interest of the petitioner.

Hence, the present petition is filed on the grounds concerning the inter-mix of provisions of Hindu Maintenance and Adoption Act, 1956 regarding non-appreciation of facts and evidence by the court below in declaring the deed of adoption to be a product of fraud and misrepresentation practised by the petitioner herein.

DATE 22

LIST OF DATES AND EVENTS

DATES	EVENTS
1962	Mr. Raj Kumar, Father of the Petitioner (Adoptive) died.
20.02.1965	Adoption of the Petitioner took place in the presence of petitioner birth father (Rajender Kumar) and Ms. Asha (Adoptive Mother).
20.02.1965 or 1965	Petitioner name got changed from Gaman to Nimrat.
15.03.1965	Deed of Adoption was executed and registered in the registry at Bokaro, with Mr. Ram and Ms Surya as witnesses and Mr. Kamal Nath as deed writer.
1965	Petitioner got married, as per the custom of the prevalent child marriage at that time.
1990	Ms. Asha and daughter Ms Babita filed a Title suit No. 420 of 1990 before the court of learned subordinate Judge - III seeking declaration that the deed of adoption was illegal, invalid and not binding.
09.10.1995	The court of learned S.J - III decreed the title suit in favour of the plaintiffs.
1995	Petitioner filed a Title Appeal No. 270 of 1995 before court of 1st Additional District Judge, Bokaro, which was allowed.

22 23 DATE

21.02.2003	original/substituted Plaintiff Ms Babita filed an appeal u/s 100 CPC before the Hon'ble High court of Jharkhand, Ranchi.
12.05.2023	High court allowed the second appeal
2023	special leave Petition by the petitioner.

IN THE SUPREME COURT OF INDIA
S.C.R. 3(1)(a) ORDER XXI
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION
(under Article 136 of the constitution of India)

SPECIAL LEAVE PETITION NO ___ OF 2023
(against the judgement and final order dated 12.05.2023 of Hon'ble High court of Jharkhand, at Bokaro)

BETWEEN

	POSITION OF PARTIES In the Trial court	In the HC	In this court
GAURAV	Defendant	~~Appellant~~ Respondent	Petitioner
VS.			
BABITA	Plaintiff	Appellant	contesting Respondent

~~SPECIAL LEAVE P.~~

TO

Hon'ble the Chief Justice and his companion Judges of the Hon'ble Supreme court of India

The humble petition of the petitioner above - named

MOST RESPECTFULLY SHOWETH:

1. That the petitioner has filed the present petition seeking leave to appeal against the final order and judgement dated 21.02.2023 of the Hon'ble High court of Jharkhand High court at Bokaro, wherein the High court was pleased to allow the appeal by holding the following, in favour of the answering respondent:

"wherein ----.

---- accordingly set aside".

2. QUESTIONS OF LAW:

(i) whether the phrase 'actually given and taken' as appearing in section 10 of HAMA, 1956 requires ceremony of adoption to be carried out to enable the adoption to be valid and whether HC has erred in respect thereto?

(ii) whether High court and Trial court failed to appreciate the evidence in terms of section 16 of HAMA, 1956 to disregard and rebut the presumption which existed in favour of the petitioner?

3. DECLARATION IN TERMS OF ~~SECTION~~ RULE 3(2)
That the petitioner has not filed any other petition seeking leave to appeal against the judgement and final order dated 21.02.2023

Mohit Kumar Gupta, Advocate-on-Record, Supreme Court of India

25 DATE 25

4. DECLARATION IN TERMS OF RULE 5

That the annexures produced along with SLP are true copies of the pleadings of the case in the High court below against whose order the present leave to appeal is sought for in the petition.

5. GROUNDS

The leave to appeal is sought on the following grounds:

(i) BECAUSE the section 10 of HAMA, 1956 does only require the 'actually given and taken in adoption' as against any formal ceremonies to prove the adoption.

(ii) BECAUSE the presumption in favour of the petitioner vide section 16 of HAMA, 1956 was not validly rebutted by the respondent, as the onus lied upon her in that regard.

(iii) BECAUSE the learned trial court had discarded the testimony of the petitioner's birth father regarding the ~~taking the~~ giving and taking ceremony.

(iv) BECAUSE as per section 10 of HAMA 1956, the adoption was valid even when the child to be adopted was less than 15 years of there was a custom to that effect, which was never appreciated the courts below.

PRAYER

It is therefore requested that this Hon'ble court may be pleased to:

(a) grant special leave to appeal against the judgement

and final order dated 21.02.2023 of the Hon'ble High court of Jharkhand at Ranchi.

(b) pass such other or further orders, as the court may deem proper and fit.

And for this act of kindness, the petitioner as in duty bound shall ever pray.

Drawn and Filed by

New Delhi

(Advocate for the Petitioner)

settled by:

Mohit Kumar Gupta, Advocate-on-Record, Supreme Court of India

Answer No. 1 (one)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL

SYNOPSIS

The election ~~petition~~ petitioner is filing the present appeal under the Representation of the People Act, 1951 against the dismissal judgement of the Hon'ble High court, wherein it was held inter-alia that "the submissions of Form A and B to the Returning officer and not to chief Electoral offic' would ~~amount~~ amount to substantial compliance with the provisions of law. The election petitioner having lost to the returned candidate by a margin of 500 votes had ~~filed~~ learnt about the reply of the CEO, Maharashtra pursuant to ~~an~~ RTI Application that "Form A & B of Mr. Radhe Bhakya not received but a letter dated 08.05.2023 (received on 09.05.2023) has been received wherein it is stated that Form A & B of Mr. Radhe Bhakya have been submitted to the Returning officer of the Malegaon Central Assembly constituency within the stipulated time. The ~~petition~~ appeal seeks to rely upon the Model Form-A as per The Electoral Symbols (Reservation and Allotment) order, 1968 to challenge the findings and reasons of the judgement of the High Court.

Hence, the present appeal.

DATE 28

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. ____ OF ____

IN THE MATTER OF : ____

VIJAY DIN ANATH CHAUHAN ____ Appellant

Versus

RADHE BHAIYA ____ Respondent

APPEAL UNDER SECTION 116(a) of THE PRACT, 1951
READ WITH ORDER XVI OF SC RULES 2013

To
Hon'ble the Chief Justice and his companion
Judges of the Supreme court of India

The humble appeal of
the appellant above-named

MOST RESPECTFULLY SHOWETH:

1 That the appellant vide the present appeals seeks to challenge the judgement of the Hon'ble High court, wherein the court was pleased to dismiss the election petition moved by the appellant against the respondent herein.

2. That the appellant has lost the elections from the Maligram central Assembly constituency only with a margin of 500 votes & the respondent came as a returned candidate

without ensuring due compliance of the provisions of the RP Act, 1951.

3. That the last date for submission of the nomination was 3.00pm on 08.05.2023; however, as per the the reply furnished by CEO, Maharashtra under the RTI Act, 2005 stated that the respondent did not file the Form A and B with the CEO, Maharashtra and only informed vide a letter that too after the expiry of period of submitting nomination.

4. That the Hon'ble High court ~~erroneously~~ relied upon Order VII Rule 11 CPC read with section 83(1)(a) and 100(1)(d) of the RP Act, besides Paragraph 8.4.2(g) of the Election commission of India's Handbook to the Returning officer 2014 to hold that the submission of Forms A and B to the Returning officer and not to the CEO amounted to substantial compliance.

5. GROUNDS

The appellant seeks to rely upon the following grounds:

(i) BECAUSE the Form A and B are required to be mandatorily sent to CEO besides the Returning officer as per Election Symbols (Reservation and Allotment) order, 1968.

(ii) BECAUSE the High court erred in concluding that non-submission of Form-A would not be considered as material facts.

DATE 30

(iii) BECAUSE the election of the ~~petitioner~~ appellant has been seriously prejudiced on account of the respondent not being the official candidate of the JN Party as the ~~p~~ appellant has lost by a thin margin.

(iv) BECAUSE the nomination was accepted was illegal in the sense that the letter to the CEO was never received on 09.05.2025 after the expiry of the time of submitting nomination.

6. That no other petition, appeal or other case has been filed by the appellant in any court against the dismissal of the election petition.

PRAYER

It is therefore requested that this hon'ble court may be pleased to:

(a) allow the present appeal and set aside the judgment of the Hon'ble High court, and;

(b) set aside the election of the respondent as returned candidate of Malegaon central legislative constituency; and

(c) pass such other or further orders as the court may find fit and proper in the facts and circumstances of the present appeal.

14

And for this act of kindness, the appellant as in duty bound shall ever pray.

New Delhi

Drawn and filed by

settled by:

(Advocate for the Appellant)