



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ - ೪ Part - IV	ಬೆಂಗಳೂರು, ಬುಧವಾರ, ೨೫, ಫೆಬ್ರವರಿ, ೨೦೨೬ (ಫಾಲ್ಗುಣ, ೦೬, ಶಕವರ್ಷ, ೧೯೪೭) BENGALURU, WEDNESDAY, 25, FEBRUARY, 2026 (PHALGUNA , 06, SHAKAVARSHA, 1947)	ನಂ. ೧೭೮ No. 178
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PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT (ELECTIONS)
NOTIFICATION

No. DPAR 06 CHUTHAA 2026, Bengaluru, Dated: 25th February 2026.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi.

Dated: 27th January, 2026
7 Magha, 1947 (Saka)

NOTIFICATION

No. 82/KT-LA/16/2023 :- In pursuance of Section 106 (b) of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgment/orders of the High Court of Karnataka, Bengaluru dated : 30.10.2025 in the Election Petition No. 16/2023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 30TH DAY OF OCTOBER, 2025
BEFORE
THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA**

ELECTION PETITION NO. 16 OF 2023

BETWEEN:

1. SRI K.S. SURESH,
AGED ABOUT 58 YEARS,
S/O SHANKAR SA,
NO.7/2, M.M. LANE,
COTTONPET CROSS,
BENGALURU SOUTH, CHICKPET,
BENGALURU-560053.
2. SRI M.R. SHIVASHANKAR
AGED ABOUT 54 YEARS,
S/O M.S. RUKMASA,
NO.03, M.M. LANE,
GANDHINAGAR,
BENGALURU-560053.
3. SRI S.K. NITYANANDA
AGED ABOUT 63 YEARS,
S/O KRISHNARAJU S.N.
NO.15/3, K.V. TEMPLE STREET,
SOURASTRAPET,
BENGALURU-560053.
4. SRI GOPINATH G.R.
AGED ABOUT 58 YEARS,
S/O G. REVANNA,
NO.46/2, BINNY MILL ROAD,
COTTONPET, BENGALURU-560053.
5. SRI NATARAJ
AGED ABOUT 43 YEARS,
S/O THAMMAIAH,
NO.24, 19TH CROSS,
NEAR MYSORE BANK,
CUBBONPET,
BENGALURU-560002.

(BY SRI KRISHNAMURTHY M.R., SRI SWAMY SHIVA PRAKASH H.,
SMT. M.S. ASHALATHA AND SMT. YOGITA MUDAKANNAVAR,
ADVOCATES)

AND:

1. SRI S. GOPINATH, AGED ABOUT 51
YEARS,
S/O D.S. SUNDAR RAJAN,
NO.33, I CROSS, S.R. NAGAR,
BENGALURU-560027.
2. SRI DINESH GUNDU RAO AGED
ABOUT 53 YEARS,
S/O LATE R. GUNDU RAO,
NO.127 (159),
R.T. NAGAR MAIN ROAD,
MLA LAYOUT, BENGALURU -560 032.
3. SRI V. NARAYANASWAMY AGED
ABOUT 68 YEARS,
S/O LATE VENKATAIAH,
NO.10/113, 6TH MAIN ROAD, M.C.
LAYOUT, VIJAYANAGAR, BENGALURU-
560 040.
4. SRI SAPTHAGIRI GOWDA A.R.
AGED ABOUT 43 YEARS,
S/O RAMACHANDRA GOWDA,
NO.9, ICERI, 21ST CROSS,
3RDBLOCK, 4TH STAGE,
BASAVESHWARANAGAR,
BENGALURU-560 079.
5. SRI ARUN KUMAR .D
AGED ABOUT 37 YEARS,
S/O DOMNIC,
NO.89 CORPORATION STAFF HOUSE,
(92 HOUSES), PLATFORM ROAD,
JAKKARAYANAKERE, SESHADRIPURAM,
BENGALURU-560 020.
6. SRI KRISHNAIAH
AGED ABOUT 49 YEARS,
S/O MUDDAIAH,
NO.31, 2ND MAIN ROAD,
VYALIKAVAl, MALLESHWARAM, BENGALURU- 560 003.

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7. SRI S.M. DIVAKAR
AGED ABOUT 56 YEARS,
S/O LATE S.N. MADHUKAR,
NO.168, I CROSS,
5TH MAIN, MASJID BLOCK,
MARIYAPPANAPALYA, SRIRAMPURAM,
BENGALURU-560 021.
 8. SRI PRAKASH .K
AGED ABOUT 43 YEARS,
S/O KANNAN .D
NO.178, 69TH CROSS,
RAJAJINAGARA, BENGALURU-560 010.
 9. SRI PRASHANTH KUMAR AGED
ABOUT 38 YEARS,
S/O LATE SIDDAIAH,
NO.U51, ANJANEYA BLOCK, I MAIN
ROAD, SESHADRIPURAM,
BENGALURU-560 020.
 10. SRI BASAVARAJA M.D.
AGED ABOUT 33 YEARS,
S/O DODDATHIMMAPPA .M
NO.491, I MAIN ROAD,
I "A" CROSS, NEW BINNY LAYOUT,
BENGALURU-560 023.
 11. SRI K. STEPHEN AGED ABOUT 67
YEARS,
S/O LATE A. KANNIMUTHU,
NO.219, 9TH B MAIN,
PIPELINE ROAD,
VIJAYANAGAR,
BENGALURU-560040.
 12. SRI KRISHNAIAH SETTY ESEN MALURU,
AGED ABOUT 63 YEARS,
S/O LATE S. NARAYANA SHETTY,
NO.50, 10TH MAIN, 17TH CROSS,
OPP. MES COLLEGE,
MALLESHWARAM,
BENGALURU-560003.

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13. SRI G. GAJENDRA AGED ABOUT 46 YEARS,
S/O GOVINDASWAMY,
NO.E-219, 2ND MAIN ROAD, 5TH CROSS ROAD,
NEAR SUJATHA THEATER,
RAMACHANDRAPURAM,
BENGALURU,
BENGALURU-560021.
 14. SMT. PUSHPARANI .S AGED ABOUT 43 YEARS,
W/O B. SRINIVASA,
NO.19, 3RD MAIN,
BHUWANESHWARINAGARA,
BENGALURU-560023.
 15. SRI P. BASAPPACHAR, AGED ABOUT 66 YEARS,
S/O LATE PUTTABASAPPA,
NO.56, KYALASANAHALI VILLAGE,
KOTHANURU POST,
(SRK NAGAR) K.R. PURAM, BENGALURU-560077.

...RESPONDENTS

(BY SRI BIPIN HEGDE, ADVOCATE FOR
SMT. LATHA S. SHETTY, ADVOCATE FOR R-2;
SRI B. RAVINDRA, BADIGER K.R. (TANUSHREE), ADVOCATES
FOR R-3;
SRI SANDEEP PATIL, SRI SWAMINI G. MOHANAMBAL, SRI ROHIT
KUMAR TIWARI, SRI B.R. SRIVATSA, ADVOCATES FOR R-4;
NOTICES TO R-1, R-7, R-8, R-9 AND R-13 ARE SERVED AND
UNREPRESENTED;
V/O. DATED 04.03.2024 SERVICES OF NOTICE TO R-5, R-6, R-11,
R-14 ARE HELD SUFFICIENT;
V/O. DATED 08.08.2024 SERVICE OF NOTICE TO R-15 IS HELD
SUFFICIENT;
V/O. DATED 18.09.2024 SERVICE OF NOTICE TO R-10 AND R-12
IS HELD SUFFICIENT)

THIS ELECTION PETITION IS PRESENTED UNDER SECTIONS
81 OF THE REPRESENTATION OF PEOPLES ACT, 1951, PRAYING
TO CALL FOR THE RECORDS AND OTHER MATERIALS PERTAINING TO
THE ELECTION NO.164, GANDHINAGAR ASSEMBLY CONSTITUENCY
HELD ON 10.05.2023 AND RESULT DECLARED ON 13.05.2023; ORDER
FOR RECOUNTING OF VOTES IN RESPECT OF THE ABOVE

CONSTITUENCY; SET ASIDE THE ELECTION OF THE 2ND RESPONDENT TO THE 16TH KARNATAKA LEGISLATIVE ASSEMBLY FROM NO.164, GANDHINAGAR ASSEMBLY CONSTITUENCY; DECLARE THE ELECTION RESULTS AFRESH RECOUNTING THE VOTES IN RESPECT OF THE 16TH KARNATAKA LEGISLATIVE ASSEMBLY FROM NO.164, GANDHINAGAR ASSEMBLY CONSTITUENCY.

THIS PETITION COMING ON FOR ORDER, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER ON I.A.No.2/2024

I.A. No.2/2024 is filed by respondent No.2 under Order VII Rule 11 (a) CPC read with Section 87 of the Representation of People Act, 1950 ('the Act' for short).

2. Respondent No.2 returned candidate has filed the present application under Order VII Rule 11 CPC read with Section 87 of the Act, seeking rejection of the election petition on the ground that the same does not disclose any cause of action and it is devoid of material facts as mandated under Sections 81, 83 and 100 of the Act.

3. Learned counsel appearing for the respondents submits that the allegation of mass malpractice or impersonation is vague and unsubstantiated. The petitioners have failed to provide even basic particulars such as:

- a) Number of votes allegedly improperly accepted;
- b) Number of impersonators;
- c) Identities of officials who facilitated such act;

- d) The explanation of how the result was materially affected.

4. It is submitted that, in the absence of *prima facie* evidence or identification of fraudulent acts, the plaint cannot be judicially entertained. The petition lacks material facts required under Section 83 of the Act and hence, discloses no cause of action. Respondent No.2 has filed an application seeking rejection of the petition in *limine* and hence, the same deserves to be rejected under Order VII Rule 11. He submits that every election petition must contain the concise statement of material facts, which, if proved, would constitute a complete cause of action under Section 83(1) (a) of the Act. In the absence of such foundational pleadings, the Court has no jurisdiction to embark upon an enquiry or to permit a roving and fishing investigation. Reliance is placed on the following decisions:

- i. ***Kanimozhi Karunanidhi Vs. A. Santhana Kumar and others¹***(*Kanimozhi Karunanidhi*)to contend that the petition bereft of material facts is liable to be dismissed at the threshold under Order VII Rule 11 CPC.
- ii. ***Kalyan Singh Chouhan Vs. C.P. Joshi²***(*Kalyan Singh*), reiterating that 'a fishing or roving inquiry, in an election petition is impermissible' when allegations are made.

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- iii. ***Karim Uddin Barbhuiya Vs. Aminul Haque Laskar and others***²(*Karim Uddin Barbhuiya*) to contend that when no material facts are pleaded to constitute a cause of action, the petition must fail.
- iv. ***Markio Tado Vs. Takam Sorang and others***³
(*Markio Tado*) to contend that the vague assertion cannot sustain a recount or election challenge.
- v. ***Mahender Pratap Vs. Krishan Pal and others***⁴(*Mahender Pratap*) emphasizing that any illegality or irregularity must be pleaded with specificity and supported by statutory satisfactory evidence.
- vi. ***P.H. Pujar Vs. Kanthi Rajashekhar Kidiyappa and others***⁵(*P.H. Pujar*) vii. ***Mohan Krishna Shetty and another Vs. Dinakar Keshav Shetty and others***⁶(*Mohan Krishna Shetty*) to submit that a small margin of votes by itself is not a ground to direct recounting or to invalidate an election.
- viii. ***Anil Vasudev Salgaonkar Vs. Naresh Kushali Shigaonkar***⁷(*Anil Vasudev*)to contend that an election petition can be summarily dismissed for non-disclosure of cause of action.
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5. On the general principles regarding governing rejection of claims, reliance is placed on the following decisions:

- i. ***Madanuri Sri Rama Chandra Murthy Vs. Syed Jalal***⁸(Madanuri Sri Rama Chandra Murthy)
- ii. ***T. Arivandandam Vs. T.V. Satyapal and another***⁹(T. Arivandandam)iii.***K. Akbar Ali Vs. K. Umar Khan and others***¹⁰
(K.Akbar)iv. ***Sopan Sukhdeo Sable and others Vs. Assistant Charity Commissioner and others***¹¹(Sopan Sukhdeo).

6. It is therefore urged that the petition, containing only speculative allegation of 'rapport', 'rapport with officials', 'irregular counting', and 'discrepancies in postal ballots', fails to disclose any triable issues, the petition is liable to be rejected.

7. Learned counsel appearing for the petitioners opposes the application, contending that the petition raises serious and triable issues relating to the irregularity in counting and discrepancies in postal ballots, that the margin of victory being only 105 votes, the Court ought to permit the matter to proceed for evidence. It is submitted that at the stage of considering the application under Order VII Rule 11, the averments in the petition

alone must be read as a whole and the Court cannot assess their sufficiency or merit.

8. This Court has carefully considered the rival contentions and perused the material on record.

9. The law is well settled that an election petition is a statutory proceedings governed strictly by the provisions of the Act. Section 83(1) (a) reads as under:

"83. Contents of petition.—(1) *An election petition—*
(a) *shall contain a concise statement of the material facts on which the petitioner relies;*

10. Under Section 83 (1) (a), the petition must contain material facts constituting a complete cause of action, failure to do so, is fatal and attracts Order VII Rule 11 CPC as held by the Apex Court in **Kanimozhi Karunanidhi**(*supra*) in paragraph Nos.23 and 28 as under:

"23. The law so far developed and settled by this Court with regard to the non-compliance of the requirement of Section 83(1)(a) of the EP Act, namely - "an Election petition must contain a concise statement of material facts on which the petitioner relies", is that such non-compliance of Section 83(1)(a) read with Order VII, Rule 11, CPC, may entail dismissal of the Election Petition right at the threshold. "Material facts" are facts which if established would give the petitioner the relief asked for. The test required to be answered is whether the court could have given a direct verdict in favour of the election

petitioner in case the returned candidate had not appeared to oppose the Election petition on the basis of the facts pleaded in the petition. They must be such facts as would afford a basis for the allegations made in the petition and would constitute the cause of action as understood in the Code of Civil Procedure 1908. Material facts would include positive statement of facts as also positive statement of a negative fact.

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28. The legal position enunciated in aforesaid cases may be summed up as under:—

- i. Section 83(1)(a) of RP Act, 1951 mandates that an Election petition shall contain a concise statement of material facts on which the petitioner relies. If material facts are not stated in an Election petition, the same is liable to be dismissed on that ground alone, as the case would be covered by Clause (a) of Rule 11 of Order 7 of the Code.*
- ii. The material facts must be such facts as would afford a basis for the allegations made in the petition and would constitute the cause of action, that is every fact which it would be necessary for the plaintiff/petitioner to prove, if traversed in order to support his right to the judgment of court. Omission of a single material fact would lead to an incomplete cause of action and the statement of plaint would become bad.*
- iii. Material facts mean the entire bundle of facts which would constitute a complete cause of action. Material facts would include positive statement of facts as also positive averment of a negative fact, if necessary.*

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- iv. *In order to get an election declared as void under Section 100(1)(d)(iv) of the RP Act, the Election petitioner must aver that on account of non-compliance with the provisions of the Constitution or of the Act or any rules or orders made under the Act, the result of the election, in so far as it concerned the returned candidate, was materially affected.*
 - v. *The Election petition is a serious matter and it cannot be treated lightly or in a fanciful manner nor is it given to a person who uses it as a handle for vexatious purpose.*
 - vi. *An Election petition can be summarily dismissed on the omission of a single material fact leading to an incomplete cause of action, or omission to contain a concise statement of material facts on which the petitioner relies for establishing a cause of action, in exercise of the powers under Clause (a) of Rule 11 of Order VII CPC read with the mandatory requirements enjoined by Section 83 of the RP Act."*

and in **Anil Vasudev's** case (*supra*) at paragraph Nos.50, 51, 57, 58, 59, and 61 as under:

"50. *The position is well settled that an election petition can be summarily dismissed if it does not furnish the cause of action in exercise of the power under the Code of Civil Procedure. Appropriate orders in exercise of powers under the Code can be passed if the mandatory requirements enjoined by Section 83 of the Act to incorporate the material facts in the election petition are not complied with.*

51. This Court in *Samant N. Balkrishna* case has expressed itself in no uncertain terms that the omission of a single material fact would lead to an incomplete cause of action and that an election petition without the material facts relating to a corrupt practice is not an election petition at all. In *Udhav Singh v. Madhav Rao Scindia* the law has been enunciated that all the primary facts which must be proved by a party to establish a cause of action or his defence are material facts. In the context of a charge of corrupt practice it would mean that the basic facts which constitute the ingredients of the particular corrupt practice alleged by the petitioner must be specified in order to succeed on the charge. Whether in an election petition a particular fact is material or not and as such required to be pleaded is dependent on the nature of the charge levelled and the circumstances of the case. All the facts which are essential to clothe the petition with complete cause of action must be pleaded and failure to plead even a single material fact would amount to disobedience of the mandate of Section 83(1)(a). An election petition therefore can be and must be dismissed if it suffers from any such vice. The first ground of challenge must therefore fail.

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57. It is settled legal position that all "material facts" must be pleaded by the party in support of the case set up by him within the period of limitation. Since the object and purpose is to enable the opposite party to know the case he has to meet with, in the absence of pleading, a party cannot be allowed to lead evidence. Failure to state even a single material fact will entail dismissal of the election petition. The election petition must contain a

concise statement of "material facts" on which the petitioner relies.

58. *There is no definition of "material facts" either in the Representation of the People Act, 1951 nor in the Code of Civil Procedure. In a series of judgments, this Court has laid down that all facts necessary to formulate a complete cause of action should be termed as "material facts". All basic and primary facts which must be proved by a party to establish the existence of cause of action or defence are material facts. "Material facts" in other words mean the entire bundle of facts which would constitute a complete cause of action. This Court in Harkirat Singh case tried to give various meanings of "material facts". The relevant para 48 of the said judgment is reproduced as under: (SCC pp. 526-27)*

"48. The expression 'material facts' has neither been defined in the Act nor in the Code. According to the dictionary meaning, 'material' means 'fundamental', 'vital', 'basic', 'cardinal', 'central', 'crucial', 'decisive', 'essential', 'pivotal', 'indispensable', 'elementary' or 'primary'. [Burton's Legal Thesaurus (3rd Edn.), p. 349.] The phrase 'material facts', therefore, may be said to be those facts upon which a party relies for its claim or defence. In other words, 'material facts' are facts upon which the plaintiff's cause of action or the defendant's defence depends. What particulars could be said to be 'material facts' would depend upon the facts of each case and no rule of universal application can be laid down. It is, however, absolutely essential that all basic and primary facts which must be proved at the trial by the party to establish the existence of a cause of

action or defence are material facts and must be stated in the pleading by the party."

59. In the context of a charge of corrupt practice, "material facts" would mean all basic facts constituting the ingredients of the particular corrupt practice alleged, which the petitioner (the respondent herein) is bound to substantiate before he can succeed on that charge. It is also well settled that if "material facts" are missing they cannot be supplied after expiry of period of limitation for filing the election petition and the pleading becomes deficient.

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61. The legal position has been crystallised by a series of the judgments of this Court that all those facts which are essential to clothe the election petitioner with a complete cause of action are "material facts" which must be pleaded, and the failure to place even a single material fact amounts to disobedience of the mandate of Section 83(1)(a) of the Act."

11. Upon the perusal of the pleadings, it is evident that the petitioners have not disclosed any material facts or practices of corrupt or illegal practices alleged to have been committed during the election process. The entire petition proceeds on vague assertion that certain BBMP officials, had 'rapport', with the returned candidate and that, 'irregularities occurred during counting'. No names of the officers, polling station numbers, dates, or any specific acts constituting the alleged irregularities during counting have been furnished. There is also no pleading as to how the alleged irregularities materially affected the result of the election. Under Section 81 of the Act, an election petition must be presented within 45 days and must comply with Section 83 which

requires under clause (a), a concise statement of material or facts, clause (b) full particulars of any corrupt practice alleged including names, dates and places, and clause (c) verification in the manner laid down in the CPC.

12. The present petition does not satisfy these required mandatory requirements. As already stated, it does not contain full or specific details of any corrupt practice, and the pleadings fall short of the statutory standard. Further, the petition does not even invoke a valid ground under Section 100 of the Act. Section 100 (1)

(b) of the Act reads as under:

"100. Grounds for declaring election to be void.—4

[(1) Subject to the provisions of sub-section (2) of the High court is of opinion—

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(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or"

13. The mere statement does not attract any of the provisions of sub-clause (b), (c) and (d) of Section 100 of the Act. The mere statement that there was a narrow margin of 105 votes, without supporting particulars, cannot by itself, justify a recount or annulment of election. The Apex Court has consistently held that the absence of material facts in an election petition is fatal at the threshold and in **Kanimozhi Karunanidhi, Kalyan Singh Chouhan** and **Anil Vasudev**, the Apex Court has held that the election petition, in the absence of material, has to be dismissed. Applying the principle stated *supra*, the petition fails to state the

material facts as required under Section 83 (1) (a) of the Act, no full particulars of corrupt practice are furnished as per Section 83 (1) (b) of the Act. The pleadings do not disclose any grounds under Section 101 for declaring the election void. The averments are vague, indefinite, and speculative and are intended to invite a fishing enquiry, which is impermissible in law. The Apex Court in the case of **T. Arivandandam** has held at paragraph No.5 as under:

"5. We have not the slightest hesitation in condemning the petitioner for the gross abuse of the process of the court repeatedly and unrepentantly resorted to. From the statement of the facts found in the judgment of the High Court, it is perfectly plain that the suit now pending before the First Munsif's Court, Bangalore, is a flagrant misuse of the mercies of the law in receiving complaints. The learned Munsif must remember that if on a meaningful — not formal — reading of the complaint it is manifestly vexatious, and meritless, in the sense of not disclosing a clear right to sue, he should exercise his power under Order VII, Rule 11 C.P.C. taking care to see that the ground mentioned therein is fulfilled. And, if clever drafting has created the illusion of a cause of action, nip it in the bud at the first hearing by examining the party searchingly under Order X, C.P.C. An activist Judge is the answer to irresponsible law suits. The trial courts would insist imperatively on examining the party at the first hearing so that bogus litigation can be shot down at the earliest stage. The Penal Code is also resourceful enough to meet such men, (Cr. XI) and must be triggered against them. In this case, the learned Judge to his cost realised what George Bernard Shaw remarked on the assassination of Mahatma Gandhi:

"It is dangerous to be too good."

14. In the case of **Madanuri Sri Rama Chandra Murthy** at paragraph No.7 has as held as under:

"7. The plaint can be rejected under Order 7 Rule 11 if conditions enumerated in the said provision are fulfilled. It is needless to observe that the power under Order 7 Rule 11 CPC can be exercised by the Court at any stage of the suit. The relevant facts which need to be looked into for deciding the application are the averments of the plaint only. If on an entire and meaningful reading of the plaint, it is found that the suit is manifestly vexatious and meritless in the sense of not disclosing any right to sue, the court should exercise power under Order 7 Rule 11 CPC. Since the power conferred on the Court to terminate civil action at the threshold is drastic, the conditions enumerated under Order 7 Rule 11 CPC to the exercise of power of rejection of plaint have to be strictly adhered to. The averments of the plaint have to be read as a whole to find out whether the averments disclose a cause of action or whether the suit is barred by any law. It is needless to observe that the question as to whether the suit is barred by any law, would always depend upon the facts and circumstances of each case. The averments in the written statement as well as the contentions of the defendant are wholly immaterial while considering the prayer of the defendant for rejection of the plaint. Even when the allegations made in the plaint are taken to be correct as a whole on their face value, if they show that the suit is barred by any law, or do not disclose cause of action, the application for rejection of plaint can be entertained and the power under Order 7 Rule 11 CPC can be exercised. If clever drafting of the plaint has created the illusion of a cause of action, the court will nip it in the bud at the

earliest so that bogus litigation will end at the earlier stage."

15. In light of the settled proposition of law, that when a petition does not disclose any cause of action, it is liable to be rejected under Section 86 (1) of the Act read with Order VII Rule 11 (a) and (d) CPC. For the foregoing reasons, this Court pass the following:

ORDER

- i. I.A.No.2/2024-application filed under Order VII Rule 11(a) CPC is hereby **allowed**.
- ii. The election petition stands **rejected** for nondisclosure of material facts and absence of cause of action.

Consequently, all the pending interlocutory applications stands **disposed of**.

Sd/-

JUSTICE

K.S. HEMALEKHA

By Order,

(PAWAN DIWAN)

SECRETARY

ELECTION COMMISSION OF INDIA

By order and in the name of the
Governor of Karnataka

(MADHU A.C)

Under Secretary to Government

D.P.A.R (Elections).