

CASE NO.:
Appeal (civil) 8213 of 2001

PETITIONER:
K. Prabhakaran

RESPONDENT:
P. Jayarajan

DATE OF JUDGMENT: 11/01/2005

BENCH:
CJI R.C. LAHOTI, SHIVARAJ V. PATIL, K.G. BALAKRISHNAN, B.N. SRIKRISHNA & G.P. MATHUR

JUDGMENT:
J U D G M E N T

W I T H
CIVIL APPEAL NO. 6691 OF 2002

Ramesh Singh Dalal

\005Appellant

Versus

Nafe Singh & Ors.

\005Respondents

O R D E R

In view of the majority opinion, Civil Appeal No.8213 of 2001, K. Prabhakaran Vs. P. Jayarajan, is allowed. The judgment of the High Court dated 5.10.2001 is set aside. The election petition filed by the appellant is allowed. The election of the respondent P. Jayarajan from No.14 Kuthuparamba Assembly Constituency to the Kerala State Legislative Assembly, which was declared on 13.5.2001, is set aside. The respondent No.1 shall bear the costs of the appellant throughout.

Civil Appeal No.6691 of 2002 is also allowed. The judgment of the High Court dated 5.7.2002 is set aside. The election petition filed by the appellant shall stand allowed. The election of the respondent Nafe Singh from 37-Bahadurgarh Assembly Constituency is declared void as he was disqualified from being a candidate under Section 8(3) of the Representation of the People Act, 1951. The respondent No.1 shall bear the costs of the appellant throughout.