

SUPREME COURT OF INDIA

Karnail Singh

Vs.

Election Tribunal, Hissar

(Mehar Chand Mahajan C.J., Mukherjea, S.R. Das, Vivlan Bose and Ghulam Hasan JJ.)

22.09.1954

JUDGMENT

MEHAR CHAND MAHAJAN C.J.-

The Tribunal in this case held that the nomination paper of Sher Singh was wrongly rejected on the ground that column No. 8 in the nomination form was not duly filled up. The only defect pointed out was that the name of the sub-division was not stated therein, but on the evidence it was quite clear that there was no difficulty in identifying the candidate and the candidate himself pointed out to the Returning Officer the entry of his name in the electoral roll. The defect, in these circumstances, was a technical one and the Tribunal was perfectly character and that the nomination paper should not have been rejected. The majority of the Tribunal, in these circumstances, were justified in their conclusion that the result of the election was affected by this wrong rejection of the nomination paper.

Mr. Chatterjee for the appellant has not been able to persuade us to take a contrary view.

The result, therefore, is that this appeal fails and is dismissed with costs.

Appeal dismissed.

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