



**RAMA  
UNIVERSITY**

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# **FACULTY OF JURIDICAL SCIENCES**

**COURSE: BALLB/BBALLB**

**SEMESTER SUBJECT:**

**ELECTION LAWS**

**SUBJECT CODE: BALLB**

**1004/BBALLB 1004**

**NAME OF FACULTY: PANKHURI SRIVASTAVA**

# Lecture-34



**LECTURE 34: WITHDRAWAL AND  
ABATEMENT OF ELECTION  
PETITIONS:**

**109. Withdrawal of election petitions.**

(1) An election petition may be withdrawn only by leave of the High Court. (2) Where an application for withdrawal is made under sub-section (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Official Gazette.

**110. Procedure for withdrawal of election petitions.**

(1) If there are more petitioners than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.

(2) No application for withdrawal shall be granted if, in the opinion of the High Court, such application has been induced by any bargain or consideration which ought not to be allowed.

(3) If the application is granted— (a) the petitioner shall be ordered to pay the costs of the respondents theretofore incurred or such portion thereof as the High Court may think fit;

(b) the High Court shall direct that the notice of withdrawal shall be published in the Official Gazette and in such other manner as it may specify and thereupon the notice shall be published accordingly;

(c) a person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the High Court may deem fit.

**112. Abatement of election petitions.**

(1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners. (2) Where an election petition abates under sub-section (1), the High Court shall cause the fact to be published in such manner as it may deem fit. (3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the High Court may deem fit.

**116. Abatement or substitution on death of respondent.**

If before the conclusion of the trial of an election petition, the sole respondent dies or gives notice that he does not intend to oppose the petition or any of the respondents dies or gives such notice and there is no other respondent who is opposing the petition, [the High Court] shall cause notice of such event to be published in the Official Gazette, and thereupon any person who might have been a petitioner may, within fourteen days of such publication, apply to be substituted in place of such

respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as [the High Court] may think fit.