

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.12371/2025

K.Y.NANJE GOWDA

APPELLANT(S)

VERSUS

K.S MANJUNATH GOWDA & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NOS.14412-14413/2025

VENKAT RAJA

APPELLANT(S)

VERSUS

K.S MANJUNATH GOWDA AND ORS.

RESPONDENT(S)

WITH

O R D E R

CIVIL APPEAL NO.12371/2025

1. This appeal is directed against the judgment dated 16.09.2025 passed by the High Court of Karnataka at Bengaluru in Election Petition No.10/2023. Vide the impugned judgment, the High Court has held as follows:

"32. Accordingly, the Election Petition is allowed in part directing recounting of votes and then, to declare the results afresh. The election

of respondent No.1 to Malur Assembly Constituency, Kolar District, (Karnataka Assembly Constituency No.149) during the elections held in May-2023 is hereby set aside. The Election Commission of India, is directed to ensure recounting of votes and declaration of results afresh, of Malur Assembly Constituency, Kolar District (Karnataka Assembly Constituency No. 149), within four weeks from the date of receipt of a copy of this judgment. All other procedures after declaration of results shall be followed, in accordance with law.

33. Pending Interlocutory Applications, if any, stand disposed of.

34. Registry is directed to communicate this judgment to the following forthwith, through Speed Post as well as e-mail:

1) The Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

2) Chief Electoral Officer, Office of the Chief Electoral Officer, State of Karnataka, Seshadri Road, Bengaluru- 560 001.

3) The District Election Officer, Kolar District, Kolar.

4) The Returning Officer, Malur Assembly Constituency, Kolar District (Karnataka Assembly Constituency No. 149).

35. The Election Commission of India, is also directed to take note of the fact that the District Election officer has failed to furnish the video recording before this Court. Appropriate action shall be taken against the District Election Officer, in accordance with law."

2. The above-stated directions have been issued by the High Court in the backdrop of Karnataka Legislative Assembly Elections held in the year 2023. The appellant contested from 149 - Malur Constituency as a candidate of Indian National Congress. Respondent no.1 also contested

from the same constituency as a candidate of the Bharatiya Janata Party. The result of the election was declared on 13.05.2023, in which the appellant was declared elected by a margin of 248 votes. The first respondent sought recounting of votes citing discrepancies in Form 17-C and other procedural irregularities. Thereafter, respondent no.1 filed Election Petition No.10/2023 before the High Court under Section 100(1)(d) of the Representation of People Act, 1951, challenging the appellant's election *inter alia* alleging; (i) irregular regulation; (ii) denial of recount; and (iii) collusion between the Returning Officer and the appellant etc.

3. The appellant on the other hand filed applications under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (CPC) and under Order 6 Rule 16 of the CPC. However, both these applications were dismissed by the High Court on 28.05.2024, which was thereafter upheld by this Court.

4. Vide the impugned judgment, the High Court has finally allowed the Election Petition in part and as may be seen from the operative part of the order, the High Court directed the recounting of votes.

5. When this appeal came up for hearing before this Court on 14.10.2025, the following order was passed:

- "1. Issue notice, returnable on 24.11.2025.
2. Mr. Shashi Bhushan Nagar, Adv. accepts notice on behalf of respondent no.1.
3. The other respondents may be served through dasti notice.

4. Meanwhile, operation of the impugned judgment of the High Court to the extent that it set aside the election of the appellant shall remain stayed. Resultantly, the appellant shall continue to be an elected member of the Karnataka State Legislative Assembly.

5. However, the Election Commission of India is directed to comply with the directions to the extent of recounting the votes and is directed to submit the result in a sealed cover before this Court. It is made clear that the result after recounting of votes shall not be declared without prior permission of this Court."

6. In deference to the direction issued vide paragraph 5 of the order dated 14.10.2025, the Returning Officer-cum-Prescribed Authority has recounted the votes and sent the entire record in a sealed cover. We have opened the sealed cover in the presence of the learned counsel for the parties.

7. We find that even after recount, the appellant has secured 50957 votes as against 50707 votes secured by respondent no.1.

8. That being so, the election of the appellant from 149 - Malur Constituency remains unaffected even after compliance with the directions *re:* recounting of votes issued by the High Court.

9. Consequently, we allow this appeal to the extent that the impugned judgment of the High Court, sets aside the election of the appellant, is annulled and the election of the appellant from 149 - Malur Constituency is upheld.

10. The other issues raised in appeal has become

infructuous as there is no necessity for this Court to go into the merits in view of the facts that the appellant remains elected despite recounting of votes. The net result is that the appellant shall be deemed to be continued as the validly elected member of the Karnataka Legislative Assembly from 149 - Malur Constituency. Ordered accordingly.

11. The result of the recount produced by Mrs. Roopa M.V., AERO, Malur, who is present in-person, is returned to her. The same shall be kept intact as per the rules.

CIVIL APPEAL NOS.14412-14413/2025

12. These appeals are directed against the orders dated 16.09.2025 and 16.10.2025. The appellant's grievance is only against paragraph 35 of the impugned judgment dated 16.09.2025 of the High Court, which reads as follows:

"35. The Election Commission of India, is also directed to take note of the fact that the District Election officer has failed to furnish the video recording before this Court. Appropriate action shall be taken against the District Election Officer, in accordance with law."

13. Vide separate order of even date passed in C.A. No.12371/2025, the substantial part of the impugned judgment of the High Court has been set aside. We, therefore, find no rhyme or reason for sustaining paragraph 35 of the impugned judgment, which is, accordingly, set aside.

14. The appeals stand allowed in the above terms. However, we do not express any final opinion as to whether the requirement of video recording of the counting process is mandatory or not.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

NEW DELHI;
FEBRUARY 05, 2026

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).12371/2025

K.Y.NANJE GOWDA

Appellant(s)

VERSUS

K.S MANJUNATH GOWDA & ORS.

Respondent(s)

(IA No. 251330/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 251332/2025 - EXEMPTION FROM FILING O.T., IA No.251325/2025 - STAY APPLICATION)

WITH

C.A. Nos.14412-14413/2025 (XII-B)

(IA No. 298576/2025 - CONDONATION OF DELAY IN FILING, IA No.298572/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 298569/2025 - PERMISSION TO FILE APPEAL, IA No.298570/2025 - STAY APPLICATION)

Date : 05-02-2026 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Appellant(s) : Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Muhammad Ali Khan, Adv.
Mr. Omar Hoda, Adv.
Ms. Eesha Bakshi, Adv.
Mr. Uday Bhatia, Adv.
Mr. Kamran Khan, Adv.
Mr. Surya Kiran Singh, Adv.
Mr. Aviral Jain, Adv.
Mr. Usman Ghani Khan, AOR
Ms. Ayesha Khan, Adv.

Mr. Gaurav Agrawal, Sr. Adv.
Mr. Vivek Jain, AOR
Ms. Suchitra Kumbhat, Adv.
Mr. Sadiq Noor, Adv.
Mr. Rohit H Nair, Adv.
Ms. Benila Bm, Adv.

For Respondent(s) : Mr. Shekhar G Devasa, Sr. Adv.
Mr. Manish Tiwari, Adv.
Mrs. Thasmitha Muthanna, Adv.
Mr. Rakesh Kini, Adv.
Mr. Shashi Bhushan Nagar, Adv.

M/s. Devasa & Co., AOR

for ECI

Mr. Prateek Kumar, AOR

Mr. Devansh Rai, Adv.

UPON hearing the counsel the Court made the following
O R D E R

C.A. No.12371/2025

1. The appeal is allowed in terms of the signed order.
2. All pending applications, if any, also stand disposed of.

C.A. Nos.14412-14413/2025

3. The appeals are allowed in terms of the signed order.
4. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)

ASTT. REGISTRAR-cum-PS

(signed order is placed on the file)

(MANOJ KUMAR)

COURT MASTER (NSH)