



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE DEEPAK KHOT

ON THE 16th OF OCTOBER, 2025

CIVIL REVISION No. 1110 of 2025

SHANKAR PRASAD GUPTA

Versus

LOVKESH SINGH

Appearance:

*Shri Prakash Upadhyay, Senior Advocate with Joyveer Singh Saini -
Advocates for petitioner.*

*Shri Ravish Chandra Agrawal, Senior Advocate with Himanshu
Tiwari - Advocate for the respondents.*

Shri Suyash Mohan Guru - Advocate for the respondent on caveat.

ORDER

The present petition under Article 26 of the Madhya Pradesh Municipalities Act, 1961 (for brevity, 'the Act') has been filed by the petitioner being aggrieved by the order dated 07.10.2025 (Annexure-P/17) passed in Election Petition No.1022 by the 1st Additional District Judge, Sidhi.

2. Heard on I.A. No.21733/2025 which is an application for dismissal of the instant revision for non-compliance of Rule 19(2) of



the Madhya Pradesh Municipality (Election Petition) Rules, 1962 (hereinafter referred to as the 'Rules of 1962' for the sake of brevity). The application has been submitted by the respondent taking exception to filing of the present revision petition as it is not filed in compliance of the Rule 19(2) of the Rules, 1962.

Rule 19 of the Rules of 1962 is reproduced herein under :-

"19. Revision.- (1) No petition by way of revision shall lie against any interlocutory order passed by the Judge.

(2) At the time of presentation of the petition for revision under sub-section(2) of section 26 against the decision of Judge, the petitioner shall deposit with the High Court a sum of Rs.250/- as security for the costs of the revision. If the provisions of this rule are not complied with the High Court shall dismiss the petition."

Rule (2) provides that at the time of presentation, the petitioner shall deposit with the High Court a sum of Rs.250/- as security for the cost of the revision. It is the case of the petitioner that as the petitioner has not deposited the said amount at the time of presentation, the petition is required to be dismissed as the rule is mandatory which says that any non-compliance shall lead the High Court to dismiss the petition.

3. Attention of the Court has been invited to the documents attached



with the petition at page-104 to show that such deposit was done on the date of filing but after the presentation. It is submitted that the receipt of deposit contains the number of the case i.e, C.R. 1110/2025, which is the present case number and as per the High Court Rules the number is generated as soon as the presentation is made by the litigant or the counsel, for which reliance has been placed on Rule 2 of Chapter-11 of the Madhya Pradesh of High Court Rules, 2008 (hereinafter referred to as the 'Rules, 2008' for the sake of brevity). As per sub-rule (3), the Presenting Assistant as soon as enters the class of the case in the computer, it generates an institution number and a 10 digit unique case number. Rule 4 prescribes that after such generation of the number and doing the clerical work, he will pass on the file of main case to the scrutiny assistant. Rule 5 provides that after receipt and registration of the main case, the scrutiny assistant will scrutinized the case for defects, count the value of Court fees stamps affixed on memo of appeal, petition, or application interlocutory application, affidavit, vakalatnama and document separately and enter the same in prescribed seal to be affixed on the reverse side of the first page of the memo of appeal, application or petition. Sub-rule (5) of Rule 5 provides that he will prepare a list of all cases which are found to be



defective in any respect by 1.30 p.m. and display the same on the Notice Board of the section at 2.15 p.m. After passing through the scrutiny, the case is sent for entry to the entry assistant and Rule 8 provides that the entry assistant will make entry in the computer in regard to the description of parties, computer category code, particulars of the Court fees, section and provision of law, whether the case is cognizable by the division bench or a single bench and after making the entries mentioned in Rule 8 a defect free main case shall be posted on the question of admission before the Court on the nearest available date by the entry assistant.

4. It is further submitted that this Court in the case of ***Deepak Kumar Soni vs. Ashok Kumar and Ors.*** reported in **2015 (2) MPLJ 166** has held that while filing revision petition under Section 26(2) of the Act, the compliance of provisions of Rule 19(2) of Rules of 1962 is mandatory. It is further held that the security amount is to be deposited along with the revision petition and the High Court has no discretion to condone the lapse and has further held that the High Court has no discretion to condone the lapse of non-depositing the security of cost of revision at the time of presentation of revision by upholding the objection of the respondent in that particular case.



5. Further, reliance has been placed on the order dated 02.01.2017 passed by the High Court of Chhattisgarh in **Civil Revision No.127/2016 *Smt. Kamlesh Devi vs. Smt. Rita Ashok Kesharwani and Ors.*** wherein, the Court has interpreted Rule 19 and the word ‘Presentation’. The Court has held that the requirement of Rule 19(2) is mandatory and the word ‘Presentation’ has many different significations in the context and circumstances means delivering, filing and showing and submitted that at the time of delivering/filing of the petition, the amount as required by Rule 19 was required to be deposited. As the amount has been deposited after generation of number, the same cannot be said to be in compliance of the Rule 19 of the Rules of 1962.

6. Further, reliance has been placed on the order passed by this Court in the case of ***Radheshyam Nandlalji Patidar vs. Jagdish Gangaram Patidar and Ors.*** reported in **1995 M.P.L.J. 909** to submit that the Court in that matter in a similar facts and circumstances of the case wherein the deposit has not been made at the time of presentation, has held revision petition is not maintainable and consequently, dismissed the petition.



7. Further, reliance has been placed in the case of *Sitaram vs. Radhey Shyam Vishnav and Ors.* reported in (2018) 4 SCC 507 to submit that the Court, while dealing with the Rajasthan Municipalities Election Petition Rules, 2009 (hereinafter referred to as the 'Rules of 2009' for the sake of brevity), has held that as per the Rule 7(3) of Rules of 2009, the judge is obliged to dismiss the election petition which does not comply with the provision of said rule. Rule 3(5)(d) of Rules of 2009 prescribes that the election petition shall be accompanied by a treasury challan of Rs.1,000/- and in that case it was found that such challan was not accompanied with the election petition, therefore, such petition was found to be not maintainable. On the basis of aforesaid arguments and law submitted in the cited case laws, the objector/respondent has prayed for dismissal of the petition.

8. In response to the submissions made by learned senior counsel for the respondent, learned senior counsel for the petitioner has submitted that the amount as required under Rule 19 of Rules of 1962 has been deposited simultaneously with the presentation because it is stated that from the perusal of the case status contained in the M.P. High Court site, it reflects that the first entry of presentation was made at 1.10 p.m. and the same has been closed by the checkers report at 4.48 p.m.



It is submitted that as the checker had found such receipt along with the petition, it would be treated that it is filed along with the petition itself and presented along with the petition. To bolster his submission, he has placed reliance upon the case of ***Rabindra Kumar Upadhyay vs. Sub-Divisional Officer and Ors.*** reported in **2025 (1) MPLJ 419**, decided by the Division Bench of this Court. It is submitted that the Division Bench of this Court, while dealing with the interpretation of the Rule 7 & 8 of the Madhya Pradesh Panchayat (Election Petition, Corrupt Practices and Disqualification for Membership) Rules, 1995 (hereinafter referred to as the 'Panchayat Rules' for the sake of brevity), has held that if the security amount is deposited during the office hours of the day of presentation on the same day then it can be said to be proper compliance of Rules. It is submitted that the Panchayat Rules are peri-materia with the Rules of 1964. It is further held by the Division Bench that Rule, nowhere says that the election petition shall be accompanied by receipt of deposit of amount of Rs.500 as security and accordingly, held that the election petition was maintainable.

9. Further, reliance has been placed on the case of ***Lalli Patel vs. State of Madhya Pradesh and Ors.*** reported in **(2018) 17 SCC 486** to support



his contention that the mode of deposit is not material but deposit of security is material, in response to the objection raised by the learned counsel for the respondents/objector that the deposit which is said to be deposited is in the name of the counsel and not in the name of the petitioner. Therefore, reliance has been placed that the Hon'ble Apex Court while dealing with the Panchayat Rules held that the deposit of security is important and not the mode of the deposit. It is further submitted that the deposit has been made through receipt containing number of the petition with due permission from the Registrar General and the same has been deposited and presented before the scrutiny during the process of presentation and therefore, the compliance to the Rule 19(2) of the Rules of 1962 has been made.

10. Heard learned counsel for the parties and perused the record.

11. This Court is of the opinion that to decide the first objection that as per Rule 19(2) of the Rules of 1962, the petitioner has not deposited the security amount at the time of presentation, the facts of the case are required to be scrutinized. From perusal of the checker's/scrutiny report attached with the file contains the note/endorsement of the checker which was generated on 09.10.2025 at 4.48.10. The said report is reproduced as under :-



“Petition checked. It appears to be properly drawn, duly stamped and within time, It is accompanied by necessary document. Petition is registered. Let it be placed before Singh Bench for Admission & Orders on IA No.21405/2025.”

12. The memo of petition contains in all 105 pages and at page 104, the receipt of deposit of Rs.250/- is attached. From the said document attached at page 104, it can be gathered that it has become a part of the memo of petition before the checker and scrutiny assistant has checked/scrutinized the file at the time of presentation, as provided under Rule 5 of Chapter 11 of the Rules of 2008 and accordingly has not endorsed any objection in regard to non-compliance of the Rules.

13. It is the case of the petitioner that the petitioner has presented the petition at the window of the filing section and simultaneously has also applied to the Registrar General for deposit of the said security deposit of Rs.250/- as per the requirement of the rule 1964, which is apparent from Annexure IA/1, submitted alongwith I.A.No.21733/2025 dated 13.10.2025. However, the objection has been raised in regard to such application in the form of covering memo moved to the Registrar General for submitting such amount which contains statement that “above case has been filed pending before Hon’ble Court” which shows that such deposit has been made after presentation. This Court has no reason to doubt that such deposit has been



made simultaneously with presentation of the petition at the window of filing section after generation of case number. But, because of that only, it cannot be inferred that as soon as such memo of petition is presented at the window of filing section, it completes the presentation. The respondent/objector has placed reliance on the case of ***Smt. Kamlesh Devi (supra)*** to state that the presentation as held by the High Court is Filing, showing and delivering, however, in the considered opinion of this Court, filing of a case is said to be complete when it reaches the scrutiny assistant who scrutinize the filing and put his report in respect of the formalities of the filing and defaults, if any, occurred during filing. The defaults may be in respect of non-payment of Court fees/incomplete documents/illegibility of documents etc. The examples are illustrative and not exhaustive. Then the matter is forwarded to the Entry Assistant under Rule 8 who will make entry in the computer regarding description, case category, particulars of court fees paid, section and provision of law and whether the case is cognizable or not. Rule 9 provides that after making of entry mentioned in the Rule 8, a defect-free main case shall be posted for admission before the court.

14. The entire exercise contains different steps to be taken care of at different levels in the filing section. The checker's report does not disclose



such receipt is not found along with the memo of petition, moreso, such receipt is a part of the petition at page number 104. If petitioner has deposited the amount of security, as required under Rule 19 of the Rules of 1962, simultaneously with the presentation of the case at the filing window and the same has been submitted with memo of petition during filing, this Court finds that it is sufficient compliance of Rule 19 of Rules 1962. It is usual practice that when any case is filed, the formalities in regard to payment of court fees or other security deposit are done simultaneously at the time of presentation. In present case in hand, the same has been done and made part of petition before scrutiny of the file, thus it cannot be said that compliance of Rule 19(2) of the Rules of 1962 has not been made.

15. In the case of *Radheshyam Nandlaji Patidar (supra)*, the objection was raised after the revision was called for hearing on 02.03.1995 and on the objection of the objector, second revision petition was filed with security deposit of Rs.250/-. Thus, the court has found that sufficient compliance of Rule 19 has not been made and revision petition was dismissed. The facts of the case are not akin to the facts of the present case where the deposit has been made, as opined by this Court, along with the presentation of the petition.



16. In the case of **Deepak Kumar Soni** (*supra*), this Court while dealing with the revision petition has found that the petition was filed on 03.02.2014 and on presentation, the section officer has pointed out defects in regard to illegible copies and non-submission of deposit receipt of amount of Rs.250/-, however, on the same day, on filing application to Register General, amount as required was deposited and note was endorsed that “default is removed”. In that case, when the filing was completed, it was found that the requisite amount of security, as per Rule 19(2) of the Rules, 1962 has not been deposited. In the present case in hand, there is no such default as pointed out by the filing section of the registry and infact such receipt forms part of the memo of petition at page 104, therefore it cannot be said that the receipt was not filed at the time of presentation.

17. In the case of **Sitaram** (*supra*), the Hon’ble Apex Court, while dealing with Rule 3(5)(d) of Rules, 2009 has observed that the election petition shall accompany with treasury challan of Rs.1000/- and Rule 7 provides that the Judge shall dismiss the petition which does not comply with the provision of the rules. The District Judge, Kishangarh, District Ajmer has rejected such objection in the election petition which was affirmed by the High Court and same was challenged before the Hon’ble Apex court. In the said case, election petition was filed on 09.09.2015 and



later on an application was filed on 16.09.2015 which was filed to deposit the receipt of requisite amount of rupees 1000/-. The Hon'ble Apex Court found that later deposition of Challan is non-compliance and rejected the election petition. However, the facts of this case are also not akin to the facts of the present case.

18. The Division bench of this court in the case of ***Rabindra Kumar Upadhyay (Supra)*** while again dealing with Panchayat Rules has held that rule 7 of election petition rules nowhere says that the election petition shall accompany with the receipt of deposit of Rs.500/- as security, thus, such election petition does not deserve to be rejected for non-compliance of Rule 7, therefore, the election petition was found to be maintainable.

19. In the case of ***Lalli Patel (supra)***, the Hon'ble Apex court has held that requirement of the Rules is deposit of security and not payment of security and also not the mode & manner of deposit.

20. The objection in regard that the receipt is in the name of the counsel for the petitioner therefore the same is non-compliance of Rule 19 is against the principle of law laid down by the Hon'ble Apex Court in the case of ***Lalli Patel (supra)***. When the amount of security on behalf of petitioner has been deposited by the counsel who has the power of attorney



to file the petition, then it is not required that such receipt should contain name of the petitioner. If it is deposited in the name of counsel, it should be treated and deemed that such deposit has been made by the petitioner for making the compliance of Rule 19(2) of the Rules of 1962.

21. On the basis aforesaid analysis, this Court is of the considered opinion that the objections raised by the respondent are not in consonance of law and are hereby rejected. Accordingly, I.A. No.21733/2025 stands rejected.

(DEEPAK KHOT)
JUDGE