

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in Form 24 sworn before a magistrate of the first class or a notary or a commissioner of oaths in support of the allegation of such corrupt practice and the particulars thereof.

- (2) Any Schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

117. Relief that may be claimed by the petitioner: A petitioner may, in addition to claiming a declaration that the election of the returned candidate is void, claim a further declaration that he himself or any other candidate has been duly elected.

118. Trial of Election petitions: (1) The District Judge shall dismiss an election petition which does not comply with the provisions of rule 114 or rule 115 or rule 138.

Explanation: An order of the District Judge is missing an election petition under this sub-rule shall be deemed to be an order made under clause (a) of rule 125.

- (2) Where more election petitions than one are presented to the District Judge in respect of the same election, he may, in his discretion, try them separately or in one or more groups.
- (3) Any candidate not already a respondent shall, upon application made by him to the District Judge within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the District Judge, be entitled to be joined as a respondent.

Explanation: For the purposes of this sub-rule and of rule 124, the trial of petition shall be deemed to commence on the date fixed for the respondents to appear before the District Judge and answer the claim or claims made in the petition.

- (4) The District Judge may, upon such terms as to costs and otherwise as he may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in his opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of corrupt practice not previously alleged in the petition.

(5) (4) The trial of an election petition shall, so far as is practicable be consistent with the interests of justice in respect of the trial, be continued from day to day until its conclusion, unless the District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(6) (5) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the District Judge for trial.

119. Procedure before District Judge: (1) Subject to the provisions of the Regulation and of any of rules made there under, the trial of every election petition by the District Judge shall be, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908) to the trial of suits.

Provided that the District Judge shall have the discretion to refuse, for reasons to be recorded in writing to examine any witness if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witness is doing so on frivolous grounds or with a view to delay the proceedings.