

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1927 of 2015
Date of decision : September 14, 2015

Kuldeep Kaur

..... Petitioner

Versus

Rajinder Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Gopal Sharma, Advocate
for the petitioner.

Mr. S. S. Swaich, Advocate
for respondent No.1.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 30.1.2015 whereby the election tribunal, Fatehgarh Sahib without recording any reasons has ordered for re-counting.

Mr. Gopal Sharma, learned counsel appearing on behalf of the petitioner submits that the parties had lead the evidence but there had to some material for ordering re-counting. In the absence of any reasons, the election tribunal had ordered recounting. Thus, the impugned order is not sustainable.

Mr. S. S. Swaich, Advocate learned counsel appearing on behalf of respondent No.1 submits that the parties had

concluded the evidence. There was no other way for the election tribunal to decide the matter until and unless re-counting is ordered.

I have heard learned counsel for the parties and appraised the paper book.

On perusal of the order it is evident that election tribunal has not assigned any reasons. It is lacking reasons, much less cogent reasons. The election tribunal is enjoined upon an obligation to record reasons with the contentions and rival contentions of the parties before passing an order

In view of the aforementioned observations, the impugned order is not sustainable in the eyes of law. Accordingly, the same is set aside. The matter is remanded back to the election tribunal to decide the matter afresh after giving an opportunity to address arguments to both the parties and pass a speaking order.

Accordingly, the revision petition is allowed.

(AMIT RAWAL)
JUDGE

September 14, 2015
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