

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No. 3084 of 2015 (O&M)

Date of decision: 16.10.2015

Surinder Kumar

... Petitioners

versus

Iqbal Chand and ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. C.M. Munjal, Advocate, for the petitioners.

Mr. Jagjit Singh, Advocate, for the respondents.

K.Kannan, J.

Both the parties agree that Election Tribunal will consider at first whether the election petition was presented in person in the manner amended by Section 76 of Punjab State Election Commission Act, 1994. This assumes a significance, with or without pleading to the defect, due presentation in the manner mandated by the law will have to be complied with. The court will take a decision and if the court finds that it has been presented in accordance with law, it may proceed to pass an order and hear on other contentious issue. If, on the other hand, it finds the objection taken by the elected candidate that the petition was not presented in accordance with law and the Tribunal finds truth in such a contention, it shall pass such an order and will not be obliged to render adjudication on any other issue.

The order already passed is set aside and revision petition is allowed on the above terms.

**(K.KANNAN)
JUDGE**

16.10.2015

sukhpreet