

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

**CR-3942-2015 (O&M)**

**Date of decision : 20.07.2015**

Surinder Kaur

.....Petitioner

Vs

Smt. Balwinder Kaur & Ors.

.....Respondents

**Coram : Hon'ble Mr. Justice K. Kannan**

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?

Present : Mr. T.S. Rai, Advocate for  
Mr. S.S. Swaich, Advocate  
for the petitioner.

Mr. Dharam Pal, Advocate  
for respondent No.1.

**K. KANNAN, J. (oral)**

**CM-13890-CII-2015**

CM is allowed.

Evidence is taken on record.

**CR-3942-2015**

The impugned order cannot be supported at all, for, it orders a recount because there is a difference of only one vote. In an election petition the declaration of result determines the right of person that was declared elected to a particular post which is the result of democratic expression. The strictness regarding pleadings and the procedures in election petitions are to ensure that the Court orders do not stultify the result of such a solemn process. The power to order recount cannot be invoked only because the margin of victory is very slender. It can order a recount only if it finds that an objection taken regarding the counting of votes or the declaration of

result was seriously flawed and the Election Tribunal had applied its mind to come to such a provisional conclusion. The order passed is not tenable in law and set aside.

The counsel for the respondent says that the entire evidence has been adduced by the parties and it is only posted for arguments. The Election Tribunal will hear further arguments if necessary and will pass appropriate orders in accordance with law, including, even a recount, if circumstances make out such an extraordinary exercise of powers by setting out appropriate reasons.

Revision is allowed.

**(K. KANNAN)**  
**JUDGE**

**20.07.2015**  
sp