

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

Civil Revision No.3953 of 2015 (O&M)

Date of decision: 04.08.2015

Chhinder Singh

.... Petitioner

versus

Randhir Singh and others

.... Respondents

II. Civil Revision No.4321 of 2015 (O&M)

Randhir Singh

.... Petitioner

versus

Chhinder Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Paramjit Singh Brar, Advocate,
for the petitioner in CR No.3953 of 2015 and
for respondent No.1 in CR No.4321 of 2015.

Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner in CR No.4321 of 2015 and
for respondent No.1 in CR No.3953 of 2015.

K.Kannan, J. (Oral)

1. There is no representation on behalf of respondents 2 to 4. They are officials and service of notice on them is dispensed with.
2. Both the revision petitions are against the same order.

The petitioner in CR No.3953 of 2015 is elected as a Sarpanch of the

Village Kingra (Faridkot) and the petition before the Election Tribunal is to set aside the election. He is aggrieved that there is a direction for recounting of the votes without adequate and sufficient reasons. The person who has challenged the election complaining of several irregularities is the revision petitioner in Civil Revision No.4321 of 2015.

3. After setting forth the rival contentions, the Election Tribunal found regarding counting of votes that it was not impartially (sic) and to remove doubt of the petitioner, recounting is required to be done. Any person who is defeated in election is bound to have several doubts. It is absurd and un-understandable for an Election Tribunal to hold that recounting will be done to cast away the doubts of the person who challenged the election. It does not accord with any legal reasoning to allow for a recount on such basis. The order is untenable and it is set aside. Civil Revision No.3953 of 2015 is allowed.

4. There is simply no ground for the petitioner to bring an independent challenge for certain observations contained in the order which have no bearing to the ultimate direction given. The Election Officer is, after the trial of examination of witnesses is concluded, directed to pass a final order after hearing arguments and dispose of the petition in accordance with law. Any of the observations which are made in the order already are directed to be

eschewed and there shall be a fresh consideration of the respective merits of parties before the Election Officer. The Civil Revision No.4321 of 2015 is dismissed as unnecessary.

(K.KANNAN)
JUDGE

04.08.2015
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