

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

**Civil Revision No.533 of 2015 (O&M)
Date of Decision: September 08, 2015**

Gumail Kaur

.... Petitioner

vs.

The Presiding Officer and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Jatinder Singla, Advocate for the petitioner.

Mr. K.B. Raheja, Advocate for respondent No.2.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 05.01.2015 passed by Election Tribunal-cum-Sub Divisional Magistrate, Malerkotla (in short 'the Election Tribunal').

Briefly stated that for the election for the post of Panch of Ward No.3, Gram Panchayat, Village Tibba, Tehsil Dhuri, District Sangrur, 231 votes were polled. The winning candidate secured 129 votes, the defeated candidate secured 98 votes and 4 votes were cancelled. Therefore the winning candidate was declared elected by a margin of 31 votes. The defeated candidate filed a petition before the Election Tribunal, in which recounting of the votes was ordered.

Learned counsel for the respondent has contended that Rule 33(c) of Punjab Panchayat Election Rules, 1994 was violated

and no reason was given for cancelling the votes. It has been further argued that the defeated candidate and his polling agent were made to sit far away and they were not allowed to watch the counting of the votes. Therefore, the votes are required to be counted again in their presence. Reliance has been placed on the authority of this Court in cases of ***“Gurtej Singh vs Darbara Singh”, 2000(2) R.C.R.(Civil) 525*** and ***“Roop Singh vs Deputy Commissioner and others”, 2006(2) L.A.R. 282.***

In the present case, only four votes were cancelled and if these are counted in favour of defeated candidate, it will not affect the result. Therefore, due to this reason, recounting of the votes cannot be allowed. So far the satisfaction of the defeated candidate regarding the counting of the votes is concerned, the agent of the defeated candidate was admittedly present there and he had signed the declaration of the result. Just for the satisfaction of the defeated candidate, recounting cannot be allowed.

Accordingly, the impugned order is set aside and the present revision petition stands allowed.

September 08, 2015
sarita

(KULDIP SINGH)
JUDGE