

CR-5628-2015 (O&M)

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

CR-5628-2015 (O&M)

Date of decision: 10.9.2015

Sultan Singh

...Petitioner

Versus

Ajaib Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.AS Sidhu, Advocate for the petitioner

SNEH PRASHAR, J.

The present revision petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 12.3.2015 passed by learned Sub Divisional Magistrate -cum Election Tribunal, Sunam vide which evidence of the petitioner was closed by court order.

Precisely the facts are that election to the post of Sarpanch of Gram Panchayat Ladai, Block Lehra Gaga was held on 3.7.2013 in compliance of the Gazette notification issued by the State Government. As per the result declared, 1566 votes were casted, out of which 17 votes were declared invalid; respondent No.1 received 776 and the petitioner received 773. Respondent No.1 was declared as Sarpanch of the village. Alleging illegality and

irregularities committed by respondent No.2 at the behest of respondent No.1, the petitioner filed an election petition under Sections 76 & 89 of the Punjab State Election Commission Act, 1994 read with Rule 33(2) of the Punjab Panchayati Election Rules, 1994 for recounting and rechecking of votes and for declaring him as Sarpanch of Gram Panchayat Block Lehra Gaga, District Sangrur. During pendency of the petition, the evidence of the petitioner was closed by the Election Tribunal vide order dated 12.3.2015 and the record of election process was returned to the department.

To avoid prolonging of the case and to entail unnecessary expenses on the respondent notice of motion has not been issued and the submissions made by learned counsel for the petitioner have been considered.

Learned counsel for the petitioner submitted that in CWP No.2714 of 2015, this Court had directed the SDM -cum Election Tribunal to decide the election petition expeditiously and preferably within six months. For that reason the Election Tribunal proceeding in haste has closed the evidence of the petitioner by order and has returned the record without recounting and rechecking of the votes. Submitting that some important evidence of the petitioner is yet to be led which is necessary for proper and complete adjudication of the petition, learned counsel contended

that just one last opportunity be granted to the petitioner to adduce his evidence.

Considering all aspects of the case and without commenting on the merits, the present revision petition is allowed. The order dated 12.3.2015 is set aside and the petitioner is granted one effective opportunity only to produce his entire evidence including summoning of the record, if any, subject to deposit of Rs.5000/- as costs with the District legal Services Authority, Sangrur. He will ensure presence of his witnesses on the date fixed at his own responsibility. It is made clear that if the petitioner fails to conclude his entire evidence on the date so fixed by the Election Tribunal, no further opportunity shall be granted to him.

10.9.2015
gsv

(SNEH PRASHAR)
JUDGE