

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.6238 of 2014

Date of decision: 10.08.2015

Sukhpal Kaur

.....Petitioner

versus

Shinder Kaur and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Kashish Garg, Advocate for the petitioner
Mr.P.K.S.Phoolka, Advocate for respondent No.1
Mr.T.N.Sarup, Addl.A.G. Punjab 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)

Challenged in the present revision is order dated 4.9.2014 (Annexure P4), passed by the Election Tribunal, Addl.Deputy Commissioner (Development), Bathinda vide which re-counting of the votes have been ordered.

Brief facts of the case are that the present petitioner as well as respondent No.1 contested the election for the post of Panch of Ward No.3, village Dhadde, Tehsil Maur Mandi, District Bathinda. It comes out that 348 votes were polled out of which petitioner secured 172 votes whereas respondent No.1 secured 171 votes. 5 votes were rejected. Before the Tribunal, both the parties led evidence. Judgment was reserved. However, the Election Tribunal observed that after perusing the result sheet, it is found that

there is difference of one vote between the parties and it was of the view that controversy can be decided by way of re-counting of votes. Therefore, re-counting was ordered.

I have heard learned counsel for the parties and have also carefully gone through the file.

Learned counsel for the petitioner has relied upon the authorities in Deepak Sharma v. Hardeep Kaur and others, 2014(3) RCR (Civil) 235, Gurnam Bindra Singh v. State of Punjab and others, 2008(4) RCR (Civil) 741, Kirpal Singh v. Preet Mohinder Singh, 1999 (4) RCR (Civil) 248, Udey Chand v. Surat Singh and another, 2009(4) RCR (Civil) 821 and Gurnam Bindra Singh v. Kulwant Singh and others, 2010(4) RCR (Civil) 367.

After going through the impugned order, I am of the view that in this case, there is difference of only one vote while 5 votes were rejected. It was subjective satisfaction of the Election Tribunal whether the re-counting is required or not, keeping in view the fact that there is difference of only one vote and 5 votes were rejected. If the Election Tribunal is of the view that re-counting is necessary then it cannot be said that the discretion has been exercised illegally or there is error in exercising the jurisdiction.

It being so, no interference in the order is called for.

The revision petition stands dismissed.

10.08.2015
gk

(Kuldip Singh)
Judge