

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6878 of 2014 (O/M)
Date of decision : 4.9.2015

Mohinder Singh

..... Revisionist

Versus

Inder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Aneja, Advocate, for the revisionist.

Ms. Riffi Birla, Advocate, for respondent No. 1.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 16.9.2014 (Annexure-P-1), passed by the Deputy Commissioner/Presiding Officer, Election Tribunal, Fazilka, vide which in an election petition pertaining to the election of Sarpanch of village Chak Kheo Wali, Block Arni Wala Shekh Subhan, Tehsil Jalalabad, District Fazilka, the re-counting of votes of Ward No. 8 had been ordered.

I have heard the learned counsel for the parties and have

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also carefully gone through the file.

The learned counsel for the revisionist has impugned the said order on the ground that a fishy type of enquiry is being conducted and without any document and the re-counting of votes have been ordered just for the satisfaction of respondent No. 1 (losing candidate). This cannot be done. In this regard, reliance has been placed on the authority of this Court in Deepak Sharma Versus Hardeep Kaur and others, 2014 (3) RCR (Civil), 235 as well as the authority of the Hon'ble Supreme Court of India in Sadhu Singh Versus Darshan Singh and another, 2006 (2) Local Acts Reporter, 367.

On the other hand, the learned counsel for respondent No. 1 has argued that in this case, as per the declaration form, the winning candidate i.e. the present revisionist had obtained 533 votes, the losing candidate respondent No. 1 had obtained 436 votes and 15 votes were cancelled. In this way, there was difference of 97 votes. However, when the information was obtained under the RTI Act, the number of cancelled vote was shown to be zero. In addition to this, the learned counsel has also pointed out that regarding booth No. 8, there is overwriting over the votes obtained by Mohinder Singh (winning candidate) where there is apparent overwriting and digit 200 has been overwritten to make it 290. Therefore, if that overwriting is found to be incorrect, then there

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will be difference of 90 votes and if the 15 cancelled votes are also taken into consideration, respondent No. 1 (defeated candidate) can be declared winner.

After considering the facts and circumstances of the case, I am of the view that in the present case, it is not that just for the satisfaction of respondent No. 1, the re-counting of votes had been ordered. Infact, it is necessary to ascertain whether Mohinder Singh received 200 votes or 290 votes for Ward No. 8, as mentioned in the overwritten declaration. It being so, the Presiding Officer was justified in ordering re-counting of votes to ascertain the said facts. Therefore, there is no illegality or infirmity in the impugned order, ordering re-counting of votes of Ward No. 8.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

4.9.2015
sjks