

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

ELECTION PETITION NO.1 OF 2015

Date of Decision: December 23, 2015.

NARESH KUMAR SEHGAL		PETITIONER
	VERSUS	
SUKHBIR SINGH BADAL		RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: None

M.M.S.BEDI, J.(Oral)

Adjournment of this Election Petition has again been sought for on the ground that petitioner is seriously ill having high blood pressure and diabetic. Application is not supported by any medical document.

This petition is still at the stage of preliminary hearing being defective having been filed beyond the period of limitation as prescribed in Section 81(1) of the Representation of People Act 1951 read with Rule 6 of High Court Rules and Orders Volume 5 Chapter 4(GG). There appears to be no ground to adjourn the case as the petitioner who appears in person has been adopting evasive approach intentionally by expressing ignorance of law. Judgment of **Navjot Singh vs. Smt. Harsimrat Kaur Badal 2015(3) RCR (civil) 355**, was given to him to assist the Court in accordance with law as according to said judgment High Court has got no power to condone the delay in Election petitions and the provisions of Limitation Act are not applicable to the Election petitions.

As per Section 87(1) of Representation of People Act 1951 read with Rule 24 of above said rules, the trial of an Election petition shall be in accordance with the procedure applicable under the Code of Civil Procedure, 1908 to the trial of suits.

I have considered the legal provisions of Section 87 of the Representation of People Act 1951 and I am of the opinion that the provisions of Order 9 of the Code of Civil Procedure, 1908 are applicable in the Election petition to empower the Court to order dismissal in default. As the Representation of People Act 1951 does not provide any provision for dismissal in default, it is axiomatic that no Court or Tribunal is supposed to continue a proceedings before it when the party who has to prove its case does not care to remain present or to engage a counsel. Even non-appearance has to be justified to the satisfaction of the Court.

This petition is dismissed in default.

December 23, 2015
TSG

(M.M.S.BEDI)
JUDGE