

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

**FAO No.271 of 2014 (O&M)
Date of Decision: May 01, 2015**

Harmail Kaur

.... Appellant

vs.

Manjit Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Kunal Mulwani and Ms. Shaveta Sanghi, Advocates
for the appellant.

- 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 appeal is the order dated 03.09.2013 passed by Deputy Commissioner, Bathinda-cum-Presiding Officer, Election Tribunal, Bathinda, whereby the election petition filed by the present appellant was dismissed on the ground of limitation.

In this case, the elections were held on 03.07.2013 and the results were declared on the same day. Under Section 76 of the Punjab State Election Commission Act, 1994, the limitation of filing of the election petition is within 45 days of declaration of election results. There is no provision for extension of the limitation by the Election Tribunal.

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

Learned counsel for the appellant has argued that in the print media, the appellant was reported to have been elected and that even she had filled the form of seeking oath.

I am of the view that it is not the case of the appellant that counting was not done in her presence or in the presence of the polling agent. It being so, the appellant must know what is the result. Since the election petition was not filed within the statutory period, therefore, there is no ground for setting aside the impugned order. Thus, I do not find any merit in the present appeal and the same is accordingly dismissed.

May 01, 2015
sarita

(KULDIP SINGH)
JUDGE