

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

FAO No.2793 of 2015

Date of Decision: April 27, 2015

Sukhdeep Kaur

.... Appellant

vs.

Charanjit Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. J.S. Bhanohal, Advocate 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)

This is an appeal against the order dated 03.03.2015 passed by the Presiding Officer, Election Tribunal (Deputy Commissioner), Barnala, vide which the election petition filed by the appellant was dismissed.

The short facts which need to be noticed for the purpose of the disposal of the present appeal are that the present appellant as well as respondent No.1 had filed nomination paper for the post of Sarpanch of Gram Panchayat Nihaluwal. Out of 1441 votes, 1283 votes were polled and 12 votes were cancelled. Out of the polled votes, the appellant got 618 votes and respondent No.1 got 635 votes and remaining votes went to other candidates. As a result thereof, respondent No.1 was declared elected.

Contention of learned counsel for the appellant is that recounting should be ordered. It has also been argued that initially the announcement was made in favour of the appellant and even they started celebrating the victory but the declaration was made otherwise in favour of respondent No.1.

It has also been argued that there were serious doubts about the result declared by the respondent Nos.2 and 3. It has further been argued that a *dharna* was held before the office of Deputy Commissioner and the appellant was advised to file an election petition for recounting of the votes.

I am of the view that no declaration was ever made in favour of the appellant. If on the basis of some rumour, the appellant started celebrating, he is to blame himself for the same.

The pressure tactics of *dharna* is no ground to order recounting of the votes. It is settled law that the recounting of the votes cannot be ordered merely to satisfy one party.

Hence, dismissed.

April 27, 2015
sarita

(KULDIP SINGH)
JUDGE