

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.5192 of 2013 (O&M)

Date of decision: 30.04.2015

Swaran Singh

..... Appellant

versus

Vipan Kumar and others

..... Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Ish Puneet Singh, 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)

Appellant has filed this appeal against order dated 4.7.2013, passed by the Deputy Commissioner-cum-Presiding Officer, Election Tribunal, Jalandhar, vide which, the application for condoning the delay in filing the election petition by the appellant, challenging the election of respondent No.1- Vipan Kumar as councilor Municipal Corporation, Jalandhar, was dismissed on the ground of limitation.

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

It is stated that there was 90 days delay in filing the election petition before the Election Tribunal. The election petition was to be filed within 45 days. However, it is stated that the

appellant had engaged a counsel in the High Court to prepare a writ petition but did not file the same. Then he was advised to file an election petition, which was not entertained and consequently the appellant filed CWP No.6033 of 2013, which was decided on 20.3.2013, wherein the Election Tribunal was directed to take a decision regarding the maintainability of the application for condonation of delay in filing the Election petition.

The Election Tribunal has taken a view that the Tribunal is not satisfied with the explanation given regarding the delay and consequently, the appeal was dismissed.

After going through the impugned order, I am in full agreement with the said order. The election petition was to be filed within 45 days from the date of the election of the returned candidate. However, appellant did not file the same and delay of 90 days had occurred. The alleged act of engaging counsel in the High Court and consequently preparing the draft writ petition but not filing the same cannot be treated as sufficient ground to condone the delay in filing the election petition. As such, there is no ground to interfere in the impugned order.

Resultantly, the appeal stands dismissed.

30.04.2015
gk

(Kuldip Singh)
Judge