

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104/A

***C.M. Nos. 15794-95-CII of 2015 and
FAO No. 5113 of 2015***

Date of decision: 30.09.2015

Jagrup Singh @ Roop Singh

....APPELLANT

VERSUS

***Presiding Officer, Election Tribunal (Deputy Commissioner) Faridkot and
others***

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Param Preet Singh Brar, Advocate,
for the applicant/appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No. 15794-CII of 2015

Prayer in this application is for permission to place on record
Annexures A-1 to A-4.

Prayer granted. Annexures A-1 to A-4 are taken on record.

Application stands disposed of.

C.M. No.15795-CII of 2015

Prayer in this application is for condonation of delay of 75 days
in filing the appeal.

The reason assigned for the delay is the wrong advise given by
the counsel for the appellant, who had stated that the limitation for filing the
appeal is 90 days whereas it is 30 days. The delay is not intentional or bona
fide nor it would, in any manner, help the cause of the application. The
application is duly supported by the affidavit.

For the reasons mentioned in the application, the same is allowed. Delay of 75 days in filing the appeal is condoned.

FAO No. 5113 of 2015

Challenge in this appeal is to the order dated 12.02.2015 passed by the Election Tribunal, Faridkot, vide which the election petition preferred by the appellant challenging the election of Sukhbir Singh son of Major Singh as Panch of the Gram Panchayat Village Chet Singh Wala on general allegations has been dismissed and the request for recounting has also been declined.

It is the contention of the learned counsel for the appellant that the findings recorded by the Election Tribunal, Faridkot vide its impugned order are not sustainable as the appellant has been able to make out the case for recounting of the votes.

I have considered the submissions made by the counsel for the appellant and have gone through the impugned order but a perusal of the same would indicate that the findings recorded therein is on proper appreciation of the evidence, which has been brought on record. No specific ground has been established which would make out a case for recounting of the votes and mere general allegations have been made, which cannot be the basis for ordering recounting of the votes. The Tribunal has rightly appreciated the evidence on record and the legal issues.

Finding no merit in the present appeal, the same stands dismissed.

September 30, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE