

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

TA No.583 of 2015.

Date of Decision: 24.08.2015.

Neelam Rani

....Petitioner.

VERSUS

Election Tribunal-cum-Sub Divisional Magistrate, Zira and others

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Tejinder Pal Singh Makkar, Advocate for the petitioner.

SNEH PRASHAR, J.

This is an application filed by petitioner Smt. Neelam Rani for transfer of election petition filed by respondent No.2 Avinash Rani under Section 76 and 79 of the Punjab State Election Commission Act, 1994 (for short, “the Act of 1994”) titled “Avinash Rani vs. Neelam Rani and another”, pending in the Court of Sub Divisional Magistrate-cum-Election Tribunal, Zira to some other court of competent jurisdiction.

The grounds on which the petitioner seeks transfer are (i) the conduct of the Tribunal shows that it is favouring respondent No.2 the

reason of which is best known to the Presiding Officer of the tribunal; (ii) that she (petitioner) was informed by a co-villager that respondent No.2- Avinash Rani had approached the Presiding Officer of the tribunal which has raised apprehension in her mind that she will not get justice.

The submissions made by learned counsel representing the petitioner have been considered.

No legal or justifiable reason could be explained by learned counsel for the petitioner for transfer of the petition from the court of Sub Divisional Magistrate-cum-Election Commission, Zira. The allegations raised are vague and baseless. No such act or conduct of the Presiding Officer of the tribunal could be disclosed or explained which could support the contention of the petitioner that the tribunal was favouring respondent No.2. As far as information received from some co-villager is concerned, that too is apparently imaginative. Neither the name of the co-villager was mentioned nor the time, date or month was stated when the information was received that the Presiding Officer of the tribunal had been approached by respondent No.2. In case the petitioner finds herself aggrieved of any order passed by the tribunal, she has the liberty to avail the remedy provided under law. Moving such an application can only be with an intention to create pressure on the tribunal.

Thus, there being no merit in the petition, it is dismissed.

(SNEH PRASHAR)
JUDGE

24.08.2015.
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