

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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CIVIL REVISION PETITION No. 5686 OF 2015

ORDER:

This petition is filed under Article 227 of the Constitution of India challenging the order dated 14-12-2015 passed by the Election Tribunal-cum-Junior Civil Judge, Bichkunda (for short, 'the Tribunal'), passed in I.A.No. 120 of 2015 in O.P.No. 2 of 2013, whereby the Tribunal received documents filed along with the petition subject to proof of relevancy and admissibility.

The only ground that urged before this Court is that the documents filed along with the petition are only fabricated documents for the purpose of defeating the claim of the respondents in the election petition and to prove that she was blessed with more than two children which is a disqualification to contest in the Gram Panchayat elections.

Learned counsel for the respondents supported the order under challenge in all respects.

The present petition is filed under Article 227 of the Constitution of India. The jurisdiction of this Court under Article 227 of the Constitution of India is purely discretionary in nature, it is supervisory power over subordinate Courts and Tribunals and this Court can interfere only when subordinate Courts or Tribunals failed to exercise their jurisdiction or exercised their jurisdiction in excess of the power conferred on them. Even if the order is wrong, this Court cannot interfere with such order. However, the only ground that urged before this Court is that the documents were fabricated, filed a criminal complaint, obtained certified copies of the documents, filed the same along with the petition and later withdrawn the criminal complaint.

Admittedly, the Tribunal received the documents set out in the list

subject to proof of relevancy and admissibility and in case the petitioner had any objection, she can raise the same during trial of the election petition. Therefore, mere receiving the documents in evidence in the election petition does not preclude the petitioner to raise any objection regarding proof of relevancy and admissibility when they tendered in examination of competent witnesses. Hence, the objection raised by the petitioner, that these documents were fabricated, can be decided only during trial but not at this stage. Thereby, the apprehension of the petitioner is wholly misconceived.

I find no reason to interfere with the order of the Tribunal, the petition is, therefore, liable to be dismissed and is, accordingly, dismissed at the stage of admission giving liberty to the petitioner to raise any objection regarding proof of relevancy and admissibility. Pending miscellaneous petitions in this revision, if any, shall stand dismissed in consequence. No order as to costs.

M.SATYANARAYANA

MURTHY, J.

Date: 07-01-2016.

JSK