

CIVIL REVISION PETITION No.724 of 2016

P. Balaji S/o.Late P.Nagaiah,
Aged about 41 yrs, Hindu,
Sarpanch of Beechiganipalli Gram Panchayat,
Parigi Mandal, Ananthapur District.

.. Petitioner

AND

S. Pape Gowd S/o.Late S.Thimmaiah,
Aged about 72 yrs, Hindu,
Occu : Retd. Teacher/Agriculture,
Beechiganipalli Village, Parigi Mandal,
Ananthapur District & 3 others.

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

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Petitioner herein is the respondent in O.P.No.01 of 2014 on the file of Junior Civil Judge/Election Tribunal, Hindupur. Petitioner filed I.A.No.07 of 2015 under Order 16 Rule 7 of Code of Civil Procedure praying to call for the Birth register of Beechiganipalli Village for the year 2011-2012 and to examine the Tahsildar, Parigi. He has also prayed to summon Sri P. Venkatesappa.

2. On detail consideration of the rival contentions the Election Tribunal rejected the I.A., filed by the petitioner.

3. *Prima-facie*, it appears from the pleadings that the petitioner in the Election Tribunal contends that petitioner herein is blessed with three children and any person who is having more than two children is not entitled to contest election to the post of Sarpanch and he therefore, sought for disqualifying the petitioner herein on that ground. It appears that complainant is relying on entries made in the Hindupur Municipality. Whereas by this application petitioner sought for calling of birth register of Beechiganipalli Village and to summon the Tahsildar. The said request is rejected by the Election Tribunal observing that when there is no entry in the birth register, there is no need to summon the Tahsildar.

4. With reference to the request of the petitioner to summon Sri Venkatesappa the trial Court observed that it is not the case of the petitioner that Venkatesappa refused to attend the Court. The Tribunal

also observed that petitioner has not assigned reasons in support of his prayer to summon Sri Venkatesappa.

5. The Election Tribunal assigned cogent reasons in support of its decision I see no error in the decision of the Election Tribunal warranting interference by this Court.

6. Leaving it open to the petitioner to agitate all the pleas as available to the petitioner in O.P.No.01 of 2014, this Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this civil revision petition shall stand closed.

P.NAVEEN RAO, J

Date :19th February, 2016

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