

THE HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

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CIVIL REVISION PETITION No.5577 OF 2015

ORDER:

The present revision is filed under Article 227 of the Constitution of India questioning the inaction of the IX Additional District Judge at Kamareddy, Nizamabad District, in disposal of the Election Petition No.155 of 2014 pending on its file, despite reporting ready by the petitioner.

02. The Election Petition was filed in the year 2014 questioning the election of first respondent as Member (Ward Councilor) of Ward No.2 in the Municipal Election at Kamareddy, and it is being adjourned from time to time and almost underwent 15 adjournments. The second respondent filed counter on 28.04.2015 and issues were framed on 01.05.2015, thereafter 9 adjournments were granted by the IX Additional District Judge at Kamareddy, on being asked by either of the parties. Thus, the trial court did not follow the settled principle that the Election Petition shall be tried on day-to-day basis and those matters cannot be adjourned, since such grant of adjournment frequently will frustrate the purpose of filing the petition.

03. Learned counsel for the petitioner brought to the notice of this Court a Judgment of the Apex Court reported in **Pukheram Sharatchandra Singh v. Mairembam Prithviraj @ Prithibiraj Singh**^[1]. While dealing with the petition under the Representation of the People Act, 1951, the Apex Court referring to Section 86(7) of the Act held that expeditious disposal of Election Petition within six months is a requirement. In view of above Section, granting adjournments as a matter of routine on numerous occasions is not permissible. Therefore, the Election Petitions have to be disposed of on day-to-day basis. The same principle can be applied even to the present Election Petition also.

04. Hence, I find that it is a fit case to direct the IX Additional District

Judge at Kamareddy, Nizamabad District, to decide the Election Petition No.155 of 2014 on day-to-day basis without granting any adjournments, except in exceptional circumstances.

05. With the above direction, the revision is disposed of. No costs.

06. Consequently, miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SATYANARAYANA MURTHY, J

Dt.19.01.2016

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[\[1\]](#) 2015(7) Supreme 129