

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

CR No.3754 of 2016 (O&M)

Date of decision : 16.08.2016

Jagroop Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Ms. Supriya Garg, Advocate for the petitioner.

Mr. P.S. Bajwa, DAG, Punjab.

Mr. Abhinav Gupta, Advocate for respondent No.7.

AMIT RAWAL, J. (Oral)

Prayer in the present petition is for seeking appropriate direction to the respondent No.8 to decide the election petition filed under Section 71 of the Punjab State Election Commission Act, 1994 challenging the election of the respondent No.7 elected as Municipal Councillor.

Ms. Supriya Garg, learned counsel appearing on behalf of petitioner submits that election petition was filed on 06.04.2015 and issues were framed on 09.11.2015. During the course of arguments, she has passed on vernacular copy of the zimni order. On perusal of the zimni order, I am

of the view that petitioner had though taken dates but most of the time officer granted the adjournments and equally the respondents have also been instrumental in seeking adjournments and when the issues were framed, application seeking recounting of the votes moved which in prima facie view ought not to have been moved in the manner and mode. Provision of 1994 Act reveals that Section 80 provides for adjudication of the election petition within a period of six months.

Mr. Abhinav Gupta, learned counsel appearing on behalf of respondent No.7 submits that after framing of the issues particularly filing of the application, petitioner had been seeking time for arguments and delay cannot be said to be on the part of respondent No.7, much less, Tribunal and thus urges this court for dismissal of the election petition/revision petition.

Learned counsels submits that they were not averse in case direction is issued to respondent No.8 to decide the election petition in accordance with law and issues framed therein.

I have heard learned counsel for the parties and appraised the paper book.

Shorn of the facts as noticed above, in my view it is fit case where appropriate direction is required to be issued to the Election Tribunal-respondent No.8 to decide the election petition strictly in accordance with Section 80 of 1994 Act. Zimni order reveals that on most of the occasion Presiding Officer had been adjourning the matter on pretexts as going out of station or for some other reasons. I am of the view that in case the adjudication of the election petition is lead in the manner and mode as indicated above, whole purpose for recounting would rendered otiose.

I deem it appropriate to dispose of the present revision petition to direct the respondent No.2 to decide the election petition preferably within a period of six months from today after affording 3-3 effective opportunities to the parties to the lis and parties shall be at liberty to seek the aid of the Election Tribunal in summoning the entire witnesses.

Petition stands disposed of in the aforementioned terms.

Nothing mentioned above shall construed as an expression of opinion on the merits of the case.

16.08.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes

Whether reportable:-

Yes/No