

125

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

Civil Revision No.4790 of 2016

Date of Decision: 29.07.2016

MUKESH KUMARI

.....Petitioner

Vs

ROHTASH & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Parkash Chahar, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has assailed order dated 31.05.2016 passed by Additional Civil Judge (Sr. Divn.), Jhajjar whereby application under Order 7 Rule 11 CPC for rejection of election petition was declined on the ground that right to sue does not abate with the death of election petitioner.

[2]. It is a settled principle of law that once the election petition is filed, it continues for the benefit of whole of the constituency/ward/village and does not come to an end merely by withdrawal by the petitioner or even in case of death of the election petitioner. The entire constituency is the party 'interested' and this differentia distinguishes the present

proceedings from that of ordinary civil suits.

[3]. Impleadment of legal representatives is in consonance with the order 22 CPC and election petition does not abate on the death of the election petitioner. The election petition cannot be considered to be a personal litigation of the election petitioner.

[4]. In view of above, this Court does not find any illegality in the impugned order. Resultantly, this revision petition is dismissed.

July 29, 2016

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes / No

Whether reportable Yes / No