

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

CR No.6267 of 2015(O&M)

Date of decision:9.5.2016

Sabeel Ram

....Petitioner

VERSUS

Resham Lal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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: Mr. Ankur Bansal, Advocate for the petitioner.

Mr. Kawaljyot Singh, Advocate for respondent No.1.

Mr. R.S. Pathania, DAG, Punjab.

REKHA MITTAL, J.

The present petition lays challenge to order dated 29.07.2015 passed by the Sub Divisional Magistrate-cum-Election Tribunal-1, Jalandhar (in short 'Election Tribunal').

Sabeel Ram-petitioner was elected as Sarpanch of village Raowali, Tehsil and District Jalandhar after defeating his rival candidate namely Resham Lal - respondent No.1. Resham Lal filed an election petition to challenge election of the petitioner and the petitioner raised an issue/objection that the election petition has not been filed within the period of limitation. It is argued that question of limitation has been decided by the Election Tribunal by placing reliance upon copy of order

dated 31.07.2013 passed by this Court without adverting to the facts of the case in hand vis-à-vis the facts in the referred order and that too at the back of the petitioner. It is further submitted that the impugned order may be set aside and the Election Tribunal may be directed to decide the question of limitation afresh after hearing the parties in accordance with law.

Counsel for the contesting respondent, on the contrary, has submitted that the petitioner raised the question of limitation with an intent to delay the proceedings. It is further submitted that he became successful in his effort to delay the proceedings as further proceedings before the Election Tribunal were stayed by this Court in September, 2015.

I have heard counsel for the parties, perused the paper-book particularly the impugned order.

A casual reading of the impugned order would reveal that the Election Tribunal has not adverted to the facts of the case in hand and the facts narrated in the order dated 31.07.2013 while deciding the question of limitation. It is also apparent that the order impugned has been passed on a day when the petitioner (respondent therein) or his counsel was not present. In the given facts and circumstances of the case, it is expedient in the interest of justice that the impugned order is set aside and the matter is remitted to the Election Tribunal for deciding the question of limitation afresh after hearing the parties in accordance with law.

In view of what has been discussed hereinabove, the petition is allowed. The impugned order dated 29.07.2015 is set aside and the matter is remitted to the Election Tribunal, Jalandhar-1 for deciding the question of limitation afresh after hearing the parties in accordance with

law. The Tribunal shall dispose of the question of limitation within a period of 15 days from the date of receipt of certified copy of the order.

Nothing stated in this order shall be construed as an expression of opinion on merits of the case.

MAY 9, 2016

‘D. Gulati’

(REKHA MITTAL)

JUDGE