

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

CR No.6628 of 2016(O&M)

Date of decision:21.10.2016

Rampal

....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Himanshu Puri, Advocate for the petitioner.

REKHA MITTAL, J.

The present petition lays challenge to order dated 10.08.2016 passed by the Civil Judge (Senior Division)-cum-Election Tribunal, Gurgaon whereby application under Order 7 Rule 11 read with Section 151 of the Code of Civil Procedure, 1908 (in short 'CPC') filed by respondent No.7 Vijay Pal was allowed and the election petition filed by the petitioner under Section 176 of the Haryana Panchayati Raj Act, 1994 was ordered to be dismissed.

The petitioner filed the election petition, to challenge election of respondent No.7 as Sarpanch of Gram Panchayat, held on 10.01.2016. The Election Tribunal-cum-Civil Judge (Senior Division), Gurgaon allowed the application filed by respondent No.7 primarily on two grounds namely the petition was not presented in person by the petitioner and the same is barred by limitation.

Counsel for the petitioner is not in a position to assail the factual findings recorded by the Court below that the petitioner was not

present in person either at the time when the election petition was presented in the office of Civil Judge (Senior Division), Gurgaon nor at the time when the election petition was taken up for the first time by the Court to which the petition was assigned. That being so, controversy with regard to improper presentation of the petition is squarely covered by the judgment of this Court **Rohtash through LRs vs. State Election Commission and others**, CR No.5641 of 2016 decided on 09.09.2016.

As the issue with regard to presentation of petition has been decided against the petitioner, question of limitation need not be gone into.

Dismissed in *limine*.

OCTOBER 21, 2016		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no