

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

CWP-22022-2016

Date of decision :22.10.2016

Rekha Rani

.....Petitioner

Versus

Presiding Officer, Election Tribunal-cum-JMIC Pehowa and Others

.....Respondents

**CORAM : HON'BLE MR.JUSTICE T.P.S. MANN
HON'BLE MR.JUSTICE GURMIT RAM**

Present : Dr. Anju Sharma, Advocate
for the petitioner.

T.P.S. MANN, J. (Oral)

Prayer made in the present writ petition filed by Rekha Rani is for issuance of directions to the Election Tribunal-cum-Civil Judge (Junior Division), Pehowa to decide the election petition filed by her within six months (expeditiously) from the date of filing of the said election petition.

In order to challenge the election of respondent No.2-Geeta Rani as Councillor from Ward No.4, Municipal Committee, Pehowa, which took place on 22.05.2016, the petitioner preferred the election petition on 01.07.2016. After issuance of notice when it was taken up for consideration by the Election Tribunal on 14.07.2016, respondent No.2 put in appearance through her counsel and sought adjournment for filing the written statement.

The proceedings were adjourned to 28.07.2016. On 28.07.2016, respondent No.2 failed to file the written statement and sought an adjournment which was allowed. However, it was observed that it would be the last opportunity for the said respondent to file the written statement. On the adjourned date i.e. 02.09.2016, respondent No.2 was duly represented but no written statement was filed on her behalf. However an application was filed by respondent No.4 in the election petition for striking of his name from the list of respondents. The proceedings were adjourned to 16.11.2016 so as to enable the petitioner to file reply to the said application.

According to learned counsel for the petitioner, the election petition is required to be disposed of within a period of six months from the date of its presentation. Already a period of more than 3 ½ months has passed since the filing of the election petition but no significant progress has been achieved therein. Despite seeking and being granted last opportunity to file the written statement, the returned candidate has not done so. Instead, the Election Tribunal has adjourned the proceedings practically granting another opportunity to respondent No.2 for filing the written statement. Accordingly, it has been prayed that the directions be issued to the Election Tribunal to expedite the proceedings and conclude the same within a period of six months from the date of filing of the election petition.

Having heard learned counsel for the petitioner, this Court finds that Section 86(7) of the Representation of the People Act, 1951 requires expeditious disposal of the election petition by the Election Tribunal by making endeavour to conclude the trial within a period of six months from the date the election petition is preferred in the Court. The said period of six

months has not yet expired. However, facts remain that contesting respondent i.e. respondent No.2-herein has not preferred her written statement and the way the trial is being adjourned on different occasions, it may not be possible for the trial Court to conclude the same within the period of six months. Under these circumstances, it would be in the fitness of things to issue directions to the Election Tribunal to make all possible endeavour to expedite the trial of the election petition and to conclude the same preferably within the period of six months from the date of filing of the election petition.

Resultantly, the present petition is disposed of with a direction to respondent No.1-Election Tribunal to expedite the proceedings of the election petition by making an endeavour to conclude the same within six months from the date of its filing.

(T.P.S.MANN)
JUDGE

(GURMIT RAM)
JUDGE

22.10.2016.
Gaurav Sorot

Whether Speaking / reasoned?	:	Yes
Whether Reportable?	:	No