

FAO No. 5774 of 2015 (O&M)

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

FAO No. 5774 of 2015 (O&M)

Date of Decision: May 11, 2016

Inderjeet Kaur

...Appellant

Versus

Sandeep Kaur & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Kashish Garg, Advocate
for the appellant.

AUGUSTINE GEORGE MASI, J. (Oral):

CM-18045-CII-2015

Prayer in this application is for condonation of delay of 34 days
in filing the appeal.

For the reason mentioned in the application which is duly
supported by the affidavit of the applicant-appellant, the present application
is allowed. Delay of 34 days in filing the appeal stands condoned.

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Challenge in this appeal is to the order passed by the
Presiding Officer, Election Tribunal, Bathinda, dated 30.04.2015, whereby,
the election petition under Sections 76, 89 and 90 of the Punjab State
Election Commission Act, 1994, read with Rule 50 of Punjab Panchayat
Election Rules, 1994, challenging the election of respondent No.1-Smt.
Sandeep Kaur wife of Shri Baldev Singh, to the post of Sarpanch of village
Bahadargarh Jandian, Tehsil and District Bathinda, has been rejected.

It is the contention of the learned counsel for the appellant that the appellant has challenged the election of respondent No.1-Smt. Sandeep Kaur on various grounds, especially with regard to the wrongful acceptance of the nomination papers despite there being illegal construction of a house on the land of Forest Department and that the voters of the appellant were not permitted to vote on the date of polling i.e. 05.07.2013. Challenge was also posed on the ground of use of personal and private vehicles for the transportation of the voters in violation of the instructions/directions of the Election Commission. Even votes of the dead persons and divorced women have been polled apart from the use of corrupt practices by respondent No.1 in getting her election. He contends that the Tribunal has not considered all these aspects and has proceeded to reject the assertions of the appellant. He, therefore, submits that the impugned order cannot be sustained and deserves to be set aside.

I have considered the submissions made by the counsel for the appellant and have gone to the impugned order.

Although, these assertions were made, as has been pointed out by the counsel for the appellant, in the election petition but both witnesses who had appeared on behalf of the appellant, namely, Sukhminder Singh son of Baldev Singh and Paramjeet Kaur wife of Sukhminder Singh, in their cross-examination have admitted that on 05.07.2013, they did not come to cast their votes in village Bahadargarh Jandian and they did not know the case which the appellant had filed against respondent No.1. The appellant has chosen not to appear herself before the Presiding Officer. No other evidence has been led by her in

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support of the assertions made in the election petition. The findings, thus recorded by the Presiding Officer, Election Tribunal, Bathinda, vide order dated 30.04.2015 cannot be faulted with.

There being no merit in the present appeal, the same stands dismissed.

May 11, 2016
Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**