

FAO No. 8536 of 2014 (O&M)

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

FAO No. 8536 of 2014 (O&M)

Date of Decision: April 06, 2016

Sinder Kaur

...Appellant

Versus

**The Presiding Officer, Election Tribunal, Samana
District Patiala & others**

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. H.P.S. Ghuman, Advocate
for the appellant.

Mr. Gurmeet Singh, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (Oral):

It is the contention of the learned counsel for the appellant that merely on the basis of the pleadings, the election petition has been decided. He contends that neither any issues have been framed nor any evidence has been led by the parties which is required to be so done in the light of Section 81 of the Punjab State Election Commission Act, 1994. He, thus, contends that the impugned order dated 30.07.2014 cannot sustain.

Counsel for respondent No.2 could not dispute the said fact. The records also indicate the assertion of the counsel for the appellant to be correct. If that be so, the present appeal is allowed and the impugned order dated 30.07.2014 is hereby set aside.

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Parties are directed to appear before the Election Tribunal, Samana, District Patiala, on 28.04.2016. Tribunal shall proceed to frame the issues, take the evidence and then decide the election petition in accordance with law preferably within a period of six months.

The records of the Court below be sent forthwith by the Registry of this Court.

April 06, 2016
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE