

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 41 of 2016
Date of Decision: January 25, 2016**

Darshan Singh

... Applicant

Versus

Harjinder Singh and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Vaibhav Narang, Advocate,
for the applicant.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 of the Code of Civil Procedure for transfer of Election Petition No. 28 of 2013 dated 19.08.2013 titled as “Harjinder Singh vs. Darshan Singh and others”, pending in the Court of Election Tribunal-cum-SDM, Baba Bakala to the Court of competent jurisdiction in the State of Punjab.

I have heard learned counsel for the applicant and perused the record.

The applicant has already moved a petition i.e. CR No. 4281 of 2015 before this Court for transfer of election petition. During pendency of the said revision petition, election petition has been transferred from Amritsar to Baba Bakala. It appears that said election petition has been transferred in order to do complete justice. Learned counsel for the applicant states that case has been transferred at the instance of M.L.A. But said MLA has not been made party in the present transfer application. Once

the applicant has filed revision petition before this Court for transfer of the case and during pendency of the revision petition, even without there being any order of transfer by this Court, said election petition has been transferred then the applicant cannot approbate and reprobate and rather should be happy that without any verdict of this Court, the matter has been transferred.

In view of above, instant transfer application is dismissed. However, the applicant will be at liberty to move appropriate application in the aforesaid revision petition for impleading the proper party as respondent.

January 25, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge