

TA No.37 of 2015

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

TA No.37 of 2015 (O&M)
Date of decision: 02.02.2016

Jasvir Singh 'Sarpanch'

....Applicant

Versus

The Presiding Officer, Election Tribunal, Ludhiana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

Present: - Mr. S.K. Sandhir, Advocate, for the applicant.

Mr. S.S. Chandumajra, Addl. A.G., Punjab.

Mr. N.S. Kandhola, Advocate, for respondent No.2.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

In pursuance of order dated 29.01.2016, Ms. Babita, Deputy Director, Local Bodies – cum- Presiding Officer, Election Tribunal, Ludhiana, is present in Court along with record. Photocopies of the zimni orders, as mentioned in the application dated 30.09.2014 (Annexure P-4) seeking certified copies, have been supplied to the applicant in Court today. Applicant can use the same for all intents and purposes.

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of Election Petition No.12 titled “Ravinder Singh v. Jasvir Singh and another”, filed by respondent No.2 before respondent No.1 – Election Tribunal, Ludhiana, to some other District.

Brief facts of the case are that elections of Gram Panchayat of

TA No.37 of 2015

Village Karaur, District Ludhiana, were held on 03.07.2013 in which petitioner was declared as elected Sarpanch of Village Karaur. Aggrieved against the election of petitioner as Sarpanch, respondent No.2 filed aforementioned election petition, which is pending before respondent No.1. Applicant has filed present application for transfer of the aforementioned election petition from Ludhiana to some other District.

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

Learned counsel for the applicant contended that respondent No.1 is openly favouring respondent No.2, therefore, petitioner has no hope of getting justice from respondent No.2.

On the other hand learned counsel for the State contended that allegations levelled by petitioner against respondent No.1 are totally vague. Respondent No.1 is acting in a fair manner. Therefore, question of transfer of the election petition does not arise.

I have considered the contentions raised by learned counsel for the parties.

Presiding Officer present in Court has assured this Court that the proceedings are being conducted in a fair manner without any influence. Moreover, petitioner and respondent No.2 have already concluded their evidence in affirmative only evidence of respondent No.3 remains to be concluded.

There are no specific allegations against the Presiding Officer.

The case is at the fag end, therefore, no ground for transfer of the

TA No.37 of 2015

election petition is made out.

Dismissed. However, Presiding Officer shall afford only three opportunities to respondent No.3 to conclude his evidence and one opportunity to the petitioner for rebuttal evidence. It is made clear that each of the four opportunities shall not be beyond one month.

(Paramjeet Singh Dhaliwal)
Judge

February 02, 2016
R.S.