

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.1965 of 2016 (O&M)
Date of decision: March 16, 2017

Darshan Singh

...Petitioner

Versus

Harjinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jasdeep Singh, Advocate for
Mr. Jitender Singh Dadwal, Advocate for the petitioner.
Mr. Ranjit Sharma, Advocate for respondent No.1.
Mr. V. Ram Swaroop, Addl. A.G. Punjab for respondent No.7.

Rajan Gupta, J.(oral)

Present revision petition is directed against the order dated 25.02.2016, passed by the Election Tribunal, Baba Bakala, District Amritsar, wherein election of petitioner as *Panch* of the village has been challenged.

It has been urged before the court that impugned order is non-speaking in nature. No reason has been assigned therein for ordering recounting of votes. Besides, Tribunal has to exercise the power to order recount on the basis of some evidence that comes before it. Reliance has been placed on judgment reported as *Anup Singh vs. Daler Singh and others, 2015 (4) PLR 839, Darshan Singh vs. Deputy Commissioner-cum-President Officer, Election Tribunal and others, 2000 (3) R.C.R. (Civil) 271* and *Arikala Narasa Reddy vs. Venkata Ram Reddy Reddygari and another, 2014(1) R.C.R. (Civil) 935*. It has been prayed that matter may be

remanded back to the same court for decision afresh.

Mr. V. Ram Swaroop, Addl. A.G. Punjab appearing on behalf of respondent No.7 does not oppose the prayer for remand of the case to the same court. Private respondents No.4 to 6, however, remain unrepresented despite service.

In view of the fact that the order appears to be non-speaking in nature and no reason has been assigned therein for ordering recounting of votes, same is hereby set-aside. Matter is remitted to the same court for decision afresh after hearing the parties. Counsel for the parties shall be at liberty to cite judgments, they seek to place reliance upon.

Revision is allowed in these terms.

(RAJAN GUPTA)
JUDGE

March 16, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No