

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

CR No. 3896 of 2017 (O&M)
Date of Decision: 28.08.2017

ASHOK KUMAR

-PETITIONER

VS

STATE OF HARYANA AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Chanderhas Yadav, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Election petition under Section 176 of the Haryana Panchayati Raj Act, 1994 was held to be barred by limitation vide order dated 02.05.2017 passed by Civil Judge (Junior Division), Narnaul. Result of the election was declared on 28.01.2016. The limitation for filing the election petition started running w.e.f. 29.01.2016. The election petition could have been filed upto 27.02.2016. The writ petition filed in the High Court was disposed of vide order dated 12.02.2016 with a direction to avail the statutory remedy available to the petitioner i.e. to file election petition before the competent Court. The time spent during the proceedings of the writ Court was to be excluded in terms of Section 14 of the Limitation Act and therefore, the limitation for filing the election petition started to run from

13.02.2016 onwards.

The petitioner applied for obtaining certified copy of the order dated 12.02.2016 only on 29.02.2016, thereby consuming 16 days of limitation out of total 30 days. The copy was received on 02.03.2016 and therefore, the limitation available to the petitioner was only upto 16.03.2016, but the petition was filed on 23.03.2016 and the same was clearly barred by limitation.

No exception to the impugned order can be carved out. There is no error of jurisdiction in the impugned order.

Accordingly, the present revision petition is dismissed.

CM No.17721-CII of 2017

In view of aforesaid order, the miscellaneous application is of no consequence.

Civil miscellaneous is accordingly disposed of.

28.08.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No