

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5926 of 2015 (O&M)
Date of Order: 13.12.2017

Baljinder Singh

..Petitioner

Versus

Baljit Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.C.Chhabra, Advocate,
for the petitioner.

Ms. Sunita Singh, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J (Oral)

Challenge in this revision petition is to the order passed by the
Election Tribunal, Zira, ordering recount of the votes.

An election petition was filed by respondent no.1 herein
challenging the election of petitioner herein on the post of Sarpanch. Parties
were allowed to lead evidence. After recording evidence, the learned
Election Tribunal ordered re-count of the votes.

A careful reading of the order would show that it is bereft of
any reasoning. The learned Election Tribunal has neither discussed the
evidence available on the file nor discussed any material to support an order
of re-count of votes. The Election Tribunal has ordered re-count only on
the ground that to arrive at a proper conclusion, re-count is necessary.

In the opinion of this Court, such course of action is not
permissible. The learned Election Tribunal has to record its *prima-facie*
finding as to why the re-count of votes is necessary. Without such finding,

re-counted cannot be ordered.

In view thereof, the impugned order dated 02.09.2015 passed by the learned Election Tribunal is set aside. The matter is remitted back to the learned Election Tribunal to expeditiously decide the matter afresh.

The revision petition is disposed of accordingly.

December 13, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No