

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

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CR No.8712 of 2017 (O &M)
Date of Decision:13.12.2017

Balwinder Kaur

...Petitioner

Versus

Surjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.K. Ganga, Advocate
for the petitioner.

ANIL KSHETARPAL, J.(Oral)

The respondent in an election petition has filed this petition against the order dated 20.11.2017 dismissing application under Order 7 Rule 10 CPC for return of the election petition on the ground of lack of territorial jurisdiction.

Respondent-Surjit Singh has filed an election petition for setting aside declaration dated 17.11.2016 vide which respondent No.1 (petitioner herein) was wrongly and illegally declared as Sarpanch of Gram Panchayat, Kesupura. As per the provisions of Haryana Panchayat Raj Act, 1994, the election petition was filed. The petitioner herein, who was the respondent before the Election Tribunal, filed an application under Order 7 Rule 10 CPC for returning the election petition on the ground that the election petition has been filed claiming that petitioner herein is ineligible and he has not passed Middle Class Examination, which dispute is sub judice and unless such issue is finally determined, the election petition cannot continue.

Order 7 Rule 10 CPC deals with the place of filing the suit i.e.

territorial jurisdiction. In the present case, it is undisputed that election petition was maintainable before the Court at Ellenabad. There is no dispute about the territorial jurisdiction of the Tribunal to adjudicate upon the election petition.

Learned counsel for the petitioner has further submitted that the petitioner has already filed a writ petition i.e. CWP No.9165 of 2017. He has provided a copy of the writ petition. In the writ petition, petitioner has challenged the order of suspension from the office of Sarpanch passed by the Competent Authority. Even pendency of that writ petition would not debar the election tribunal to proceed with the matter.

In view, there is no ground to interfere.

Hence, this revision petition is dismissed.

13.12.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No