

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

F.A.O. No.1049 of 2015 (O&M)

Date of Decision: 26.07.2017

Kamaljit Kaur

..... Appellant

Versus

Jasbir Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. S.S.Rangi, Advocate for the appellant.

JASWANT SINGH, J. (ORAL)

The present appeal is directed against the order dated 16.10.2014, passed by the Election Tribunal, Fatehgarh Sahib (for short “the Tribunal”), whereby the election petition filed by the petitioner/appellant, challenging the election of Jasbir Kaur (respondent No.1) as elected Sarpanch of Gram Panchayat Damheri, Tehsil Bassi Pathana, District Fatehgarh Sahib, has been dismissed.

Learned Counsel for the appellant heard at length.

In the General Elections conducted on 03.07.2013 for the Gram Panchayats in the State of Punjab, the petitioner contested for the office of Sarpanch for the aforesaid Gram Panchayat. Jasbir Kaur (respondent No.1) was declared elected as Sarpanch as she had secured 335 votes whereas the petitioner-Kamaljit Kaur secured 330 votes. Out of total 671 votes, 06 votes were treated as cancelled. The Returning Officer accordingly in the statutory form declared Jasbir Kaur as the elected Sarpanch. In the election petition, the allegation was that the votes had not been properly counted as some of the votes polled in favour of

Kamaljit Kaur had been diverted into the account of Jasbir Kaur, the elected candidate. Thus, the prayer was for re-counting and cancellation of the election of Jasbir Kaur.

It is not disputed that learned Tribunal had ordered the re-count of the votes in the presence of the parties, and it was found that the petitioner-Kamaljit Kaur had secured 330 votes only whereas the elected Jasbir Kaur was found to have secured 334 votes. One vote from the account of elected Sarpanch was found to be invalid and, therefore, number of invalid votes became seven. The primary contentions raised by learned Counsel for the petitioner stood redressed in the re-count.

In view of the finding of fact, no case for interference is warranted.

Accordingly, the present appeal is dismissed.

July 26, 2017

Gagan

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>