

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

F.A.O. No.7904 of 2014 (O&M)

Date of Decision: 01.08.2017

Balwinder Singh

..... Appellant

Versus

Charanjit Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. A.K.Walia, Advocate for the appellant.

Mr. Ashish Grover, Advocate for respondent No.1.

Ms. Sonia G. Singh, Advocate for respondent No.3.

JASWANT SINGH, J. (ORAL)

CM No.21350-CII of 2014

Prayer in the application is for condonation of 19 days delay in filing the appeal.

For the reasons stated in the application, supported by the affidavit, the delay being insignificantly small is condoned.

MAIN CASE

Appellant-Balwinder Singh has filed the present appeal assailing the order dated 28.07.2014, passed by the Election Tribunal, Bathinda, whereby his election petition has been dismissed for non-compliance of the provisions of sub-section 2 of Section 76 of the Punjab State Election Commission Act, 1994 (for short "the Act").

The admitted facts are that Balwinder Singh (appellant) had contested the election for the office of Sarpanch of Village Bhai Bakhtaur, Tehsil Talwandi

Sabo, District Bathinda in the general elections held for constitution of the Gram Panchayats in Punjab on 03.07.2013. Respondent-Charanjit Singh was declared as elected having secured 826 votes whereas the appellant had secured 803 votes only.

The appellant filed an election petition within time, challenging the election of Charanjit Singh on various grounds including *mala fide* of the Returning/Presiding Officers. During the stage of the evidence of the appellant, respondent-Charanjit Singh moved an application for dismissing the election petition as he had not been supplied a copy of the election petition duly signed by the appellant/petitioner. It was submitted that the mandatory requirement of sub-section 2 of Section 76 of the Act have thus been violated entailing the consequences provided under Section 80 of the Act, whereby the Election Tribunal is ordained to dismiss the election petition, which does not comply with the provisions of Section 76 or Section 77 or Section 103 of the Act.

After hearing learned Counsel for the parties, this Court is satisfied with the findings recorded by the Election Tribunal that the election petitioner had not supplied copies of the petition under his signature to all the respondents, as mandated under Section 76 (2) of the Act and thus invited the consequences under Section 80 of the Act.

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

Accordingly, the present appeal is hereby dismissed.

August 01, 2017
Gagan

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No