

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

**FAO 8308/2014(O&M)
Date of decision:08.09.2017**

Paramjit Kaur

.....Appellant

v.

Presiding Officer Election Tribunal(SDM)Dhuri and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Ranjit Singh Sidhu,Advocate for
Mr.GS Nahel,Advocate for the appellant.

Mr.Amit Mehta,Sr.DAG Punjab for respondent no.1.

Mr.Dinesh Kumar,Advocate for
Mr.Manish Kumar Singla,Advocate for respondent no.2.

Respondent no.3-Ex parte.

Mr.Hem Raj Bhardwaj,Advocate for respondent no.4.

Jaswant Singh,J,(Oral).

Appellant was a defeated candidate in the elections conducted on 3.7.2013 for the office of Sarpanch for Gram Panchayat Harigarh Gehlan,Block Andana, Tehsil Moonak,District Sangrur wherein Mohinder Kaur-respondent no.2 was declared as winning candidate.

Petitioner has invoked the jurisdiction under Section 100 of the Punjab State Election Commission Act,1994 by filing the present

appeal directed against the order dated 7.8.2014 passed by the Election Tribunal, Dhuri whereby the election petition filed by petitioner challenging the election of Mohinder Kaur has been dismissed.

Counsel for the appellant has raised manifold factual arguments like; petitioner has not been supplied copy of Form IX on the same day the election result was declared; the election agents of the appellant were turned out of the counting area; and other corrupt practices.

On the other hand counsel for respondents have argued that no evidence, whatsoever, has been led by the appellant in support of alleged corrupt practices or other factual contentions. It is submitted that the sole witness of the appellant Mr. Raj Singh himself has stated on oath that the entire election process was conducted peacefully and in accordance with rules and regulations.

After hearing counsel for the parties, this Court finds no merit in the present appeal.

It is true that the witness of the appellant Raj Singh himself demolished the set up case of the appellant. It is also not disputed that the appellant has not led any evidence in support of her allegations. Raj Singh witness of the appellant was concededly her counting agent, who remained present at the time of counting of votes and who was throughout present during counting of the votes and whole day of the election. Raj Singh has admitted that the counting was conducted peacefully and the votes were counted three times over and result was

factually declared after the recounting of votes as per choice of the candidates. He has admitted that no objections of any type were raised or he was not heard by the authorities concerned. It is also not disputed that the officials present on election duty were not inimical to the appellant in any manner. It is also not disputed that winning candidate has secured 12 votes more than the appellant. The plea that on recounting more votes had been rejected without assigning any reason cannot be countenanced as upon recounting in the presence of election agents of the candidates the votes were cancelled as per rules. Thus viewed, no case for interference is warranted.

Dismissed.

08.09.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No