

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

214

CR No.3788 of 2017  
Date of Decision:08.01.2018

Sarabjit Kaur

...Petitioner

Versus

Sub Divisional Magistrate-cum-Election Tribunal and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Baldev Singh Sidhu, Advocate  
for the petitioner.

Mr. Vikas Singh, Advocate  
for respondent Nos.1 and 2.

Ms. Dawanpreet Kaur, AAG, Punjab.

\*\*\*

**ANIL KSHETARPAL, J.(Oral)**

The present revision petition has been filed against the order dated 20.05.2015 ordering re-count of the votes. The order reads as under:-

*“File Presented. Parties called. Counsel of the parties are present. Counsels of the parties heard and thought was given. In this case the election record be called for recounting. A letter be issued to the returning officer and the presiding officer. The file may presented on dated 07-07-2015 in the presence of both the parties, presiding officer and the returning officer.”*

It is clear from the reading of the order that it does not give any reason whatsoever for ordering recount. Recount of the votes cannot

ordinarily be ordered unless there is some prima facie material available on

the file. In the present case, the order is bereft of any reasoning.

In view thereof, the order under challenge is set aside.

Election Tribunal is directed to re-decide the application after giving proper reasons. This exercise be undertaken by the Election Tribunal expeditiously.

Hence, this present revision petition is allowed.

08.01.2018

*sheetal*

**(ANIL KSHETARPAL)**  
**JUDGE**

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No