

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

CR No.4693 of 2016 (O&M)
Date of decision : 13.03.2018

Kamaljit Singh

...Petitioner

Versus

Rachpal Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amandeep Sharma, Advocate for the petitioner.

Mr. V.K. Sandhir, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Respondent in the election petition had come up in the revision petition against the order dated 22.06.2016, ordering recount of the votes.

The petitioner herein (respondent in the election petition)- Elected Sarpanch challenged the aforesaid order and this Court vide order dated 25.07.2016 issued notice after noticing the contention of the counsel for the petitioner, which reads as under:-

“Learned counsel for the petitioner contends that there were only four votes rejected and the petitioner had won by margin of one vote and, therefore, recounting of only four votes can be done instead of entire votes to see whether the same have been wrongly or rightly rejected.

The recounting would be confined only to the rejection of the votes subject to the fact whether votes were rightly or wrongly rejected. This exercise shall be done by

the Election Tribunal. After having done so, if he arrives at a finding of lawful rejection, then no further counting would be required and if otherwise taken, the same will be subject to the outcome of the objection petition.

Notice of motion to this extent for 26.9.2016.”

It is not disputed that pursuant to the order passed by this Court on 25.07.2016, recount of the rejected votes was carried out and as per the report submitted, out of four rejected votes, two have been found valid in favour of the petitioner in the election petition-respondent No.1 herein.

In view of the aforesaid, the Election Tribunal is now to proceed with the election petition and pass an appropriate order.

After recount of the votes, counsel for the petitioner has very fairly stated that he does not now have any grievance against the order dated 22.06.2016.

In view of the above, the present revision petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid order.

13.03.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No