

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

CR No.6180 of 2016 (O&M)
Date of decision: 6th March, 2018

Suman

... Petitioner

Versus

Rajpal & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vaneet Soni, Advocate for the petitioner.

Mr. Ramesh Goyat, Advocate for the respondents.

FATEH DEEP SINGH, J. (ORAL)

During the course of arguments, when faced with the situation that how such an intricate question as to the presence of the petitioner at the time of presentation of the election petition in violation of Section 176(1) of the Haryana Panchayati Raj Act, 1994 would be considered for adjudication on an application under Order VII Rule 11 CPC for dismissing the election petition, when apparently the presentation order at the time of filing of the petition is not a speaking order and is only denoted by a rubber stamp in routine regarding presentation and similarly subsequent orders before the entrustee Court speaks volume that the Court is totally in oblivion over the mandate of such provisions and in the impugned order such fact has been adequately considered that the affidavit of the petitioner accompanying the election

petition is attested on the date shows his presence at that very time in the Court.

In the light of the same, since it is an intricate question to be adjudicated through evidence, necessitates that the matter be sent back for adjudicating after framing of preliminary issues and affording parties reasonable opportunity to lead their respective evidence to support their case.

In view thereof, the petition stands disposed off and the matter is remanded back to the Court below which is directed to frame preliminary issues to this effect and adjudicate upon the matter in consonance with the law.

(FATEH DEEP SINGH)
JUDGE

March 6, 2018

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No