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

CR-6072-2017

Date of decision : 19.03.2018

Kalpana

... Petitioner(s)

Versus

Rajender Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Amit Jain, Advocate
for the petitioner.

Dr. Parveen Hans, Advocate
for respondent No.1.

Mr. Rajbir Singh, AAG, Haryana.

AMIT RAWAL, J. (ORAL)

The petitioner-defendant is aggrieved of the impugned order dated 03.08.2017 (Annexure P-4), whereby certain objections with regard to the exhibition of the documents raised, had, erroneously, been rejected.

Mr. Amit Jain, learned counsel appearing on behalf of the petitioner submits that the respondent No.1 filed the election petition challenging the election of the petitioner, who was arrayed as respondent in the election petition. The respondents in view of the evidence brought on record certain documents by tendering the same, which were not proved in accordance with law, therefore, the same could not have been exhibited. It was insisted upon the Election Tribunal to decide the objections then and there, but the Court below had kept the objections open to be decided at the time of the final stage of the election petition, but the fact of the matter is

that no reasoning has been given as to how the objections had been decided.

The impugned order is bereft of the reasoning.

Learned counsel for respondent No.1 submitted that once the right of the petitioner, respondent in the election petition, has been kept intact, no harm and prejudice has been caused, thus, urges this Court for upholding the impugned order, under challenge.

I have heard the learned counsel for the parties and appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Jain, for, though the impugned order, under challenge, is not happily worded, but the pith and substance of the order, if read minutely, reveals that the objections of the petitioner, respondent in the election petition, have been kept intact, which are to be taken into consideration by the Tribunal at the final stage of the election petition. It is also revealed that election-petitioner had already closed the evidence and the case is listed for petitioner's evidence.

In view of the aforementioned observations and the reasoning given by the Court below, I am of the view that the interest of the petitioner has been kept intact. No further order is required to be passed.

Resultantly, the present revision petition is dismissed.

It is made clear that the onus to prove the pleaded case is always upon the party asserting the same, mere tendering of the documents without proving the same, would not make the document admissible.

(AMIT RAWAL)
JUDGE

19.03.2018
Yogesh Sharma

Whether speaking/reasoned **Yes**

Whether Reportable **No**