

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

Civil Revision No.673 of 2018.

Decided on:-February 02, 2018.

Renu Jyoti.

.....Petitioner.

Versus

Dayawati and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Rosi, Advocate for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present revision petition under Article 227 of the Constitution of India seeking direction to the civil Court to decide the election petition filed by the petitioner expeditiously.

The petitioner is stated to have challenged the election of respondent No.1 Dayawati as Sarpanch of Gram Panchayat Nijampur, Tehsil Tauru, District Mewat by way of election petition under Section 175(V) of the Haryana Panchayati Raj Act, 1994. The said petition was filed on 18.02.2016, but since then, it is being adjourned repeatedly at the asking of the respondents.

On the strength of various jimni orders including jimni order dated 11.05.2017, learned counsel for the petitioner has argued that the case was fixed for arguments, but the arguments have not been advanced. She referred to the order dated 27.07.2017 and states that in order to delay the trial, respondent No.1 has engaged a new lawyer, who filed Vakalatnama on 27.07.2017. Further, in order to delay the case, the contesting respondent No.1 has filed an application under Order VII Rule 11 CPC for rejection of

the plaint on the plea that the election petition was not presented by the petitioner by appearing in person. Though the said application was rejected by learned civil Court vide order dated 04.09.2017, but even thereafter, the case is not being decided.

Having heard learned counsel for the petitioner and perusing the copies of various jimni orders, which are attached with the present petition, this Court finds that in case a direction is not issued to the civil Court to decide the election petition expeditiously, the very purpose of filing the instant petition would become redundant and respondent shall complete her term of office of Sarpanch substantially.

The election petition was filed by the petitioner on 18.02.2016 and as such, around two years have passed, but the proceedings in the case are going at a snail's pace and the case is being adjourned one after the other date. Even jimni order dated 19.09.2017 does reflect that the written statement was not filed. It is only on 24.10.2017, reply on behalf of respondent No.1 was filed and issues were framed in the case. Since respondents No.2 to 5 have not put in appearance, the civil Court while framing issues was constrained to pass the following order on 24.10.2017:

*“Present:- Sh. Rakesh Kumar Chhonkar, counsel for petitioner.
Sh. T.H.Ruparia, counsel for respondent No.1.
None for respondents No.2 to 5.*

Case called several times since morning but none has appeared on behalf of respondents No.2 to 5. It is already 12.30 pm. Waited sufficiently. Further wait is not justified. Respondents No.2 to 5 are proceeded against exparte.

Sh. Rakesh Kumar Chhonkar, Advocate filed fresh power-of-attorney on behalf of petitioner. Reply on behalf

of respondent No.1 filed. Submissions heard. Learned counsels for the parties stated at bar that there no elements of settlement present in the present case. Therefore, it would be a futile exercise to send the parties to adopt any of the modes under section 89 of CPC. In the wake of respective pleadings of the parties, the following issues are framed as under:

- 1. Whether the election of Sarpanch of village Nijampur, Tehsil Tauru dated 24.01.2016 is liable to be set aside/ cancelled as prayed for? OPP*
- 2. Whether the election petition is not maintainable? OPD*
- 3. Relief.*

No other issues arise or are pressed for. Onus not objected to. Now, to come upon 05.12.2017 PW's. List of witnesses, PF, DM, if any, be filed within 7 days, failing which the parties shall lose their right to summon the witnesses with the assistance of this court. Evidence should be brought at own responsibility.

*Date of Order:-24.10.2017 (Lokesh Gupta)
ACJ(SD) (UID No.HR-0211)
Mewat."*

Accordingly, without expressing any opinion on the merits of the case and taking into consideration the fact that the election petition was filed on 18.02.2016 and it is only on 24.10.2017, issues have been framed in the case, the instant petition is disposed of with a direction to the civil Court to decide the election petition filed by the petitioner expeditiously and preferably within nine months from today.

February 02, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No