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

Date of decision : 1.3.2018

(1) CR-7077-2014

Nirmal Singh

..... Petitioner

Versus

Darshan Singh and others

..... Respondents

(2) CR-7178-2014

Nirmal Singh

.....Petitioner

Versus

Kulwant Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. P.S. Khurana, advocate for the petitioner.

Mr. Rajesh Punj, Advocate
for respondent No. 1 (CR-7178-2014)
for respondent No. 4 (CR-7077-2014)

Mr. M.S. Dhillon, DAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

This order of mine shall dispose of the above mentioned two Civil Revisions i.e. **CR-7077-2014** titled as **Nirmal Singh Versus Darshan Singh and others** and **CR-7178-2014** titled as **Nirmal Singh Versus Kulwant Singh and others**. For brevity, the facts are being taken from **CR-7077-2014**.

Impugned in the present revision petition is the order dated 22.8.2014 (Annexure P-3) passed by the Presiding Officer, Election Tribunal-cum-Deputy Director Urban Local Bodies Ludhiana vide which in an election petition titled as ***Darshan Singh versus Nirmal Singh and others***, filed by respondent No. 1-petitioner for dismissal of the election petition was dismissed.

In the application, it was stated that petition has not been signed by the petitioner. Documents/annexures are also not signed by the petitioner nor original receipt of security fee has been filed. Therefore, the application is liable to be dismissed. The Election Tribunal cum Deputy Director Local Bodies, Ludhiana observed that original receipt is already on the file and signatures of the petitioner are available on the concerned documents, therefore, application filed by petitioner was dismissed.

I have heard learned counsel for the petitioner and examined the original trial Court file.

Learned counsel for the petitioner has pointed out that though the petitioner has signed on every page and the verification is also signed but the petition above the verification clause has not been signed by the petitioner. It is also stated that it has not been attested and verified in the manner required under Section 78(2) of the Punjab State Election Act, 1994.

A perusal of the file, further shows that election petition is pending since 2013. The term of Sarpanch or Member Panchayat is five years which is going to expire very soon.

In view of above circumstances, impugned order dated 22.8.2014 (Annexure P-3) passed by the Presiding Officer, Election

Tribunal-cum-Deputy Director Urban Local Bodies Ludhiana is set aside and present petitions are disposed of with a direction to Election Commissioner to record the evidence of both the parties and dispose of the main petitions. The Election Commissioner is also directed to separately deal with the contentions that the petition is not signed and that their annexures were not verified in the manner required under the law.

Petitions are ordered to be decided within a period of three months from the date of receipt of certified copy of this order.

Since the main petition has been disposed of, the miscellaneous application, if any, also stands disposed of.

Both parties are directed to appear before the Election Commission on 20.3.2018 at 10. A.M.

Lower Courts records (in original) be returned immediately.

A photocopy of this order be placed on the connected file.

(KULDIP SINGH)
JUDGE

1.3.2018
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Whether speaking / reasoned
Whether Reportable:

Yes/No
Yes/No