

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

CR No.7396 of 2017

Date of Order: 20.02.2018

Smt. Satinder Kaur

....Petitioner

Versus

Suman Kaur and Ors

....Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Mr. D.S. Punia, Advocate for respondent No.1.

AMIT RAWAL, J (ORAL)

The petitioner is aggrieved of order dated 18.09.2017 passed by learned Addl. Civil Judge (Sr. Division), Fatehabad whereby his application moved under Order 7 Rule 11 CPC for rejection of the election petition has been dismissed.

Learned counsel for the petitioner submitted that the election petition was filed by the petitioner on 09.2.2016 through his counsel but he was not present, when it was presented at E-Disha Kendra-cum-Suvidha Centre whereas the provisions of Section 176 of the Haryana Panchayati Raj Act, 1994 (for short "the Act") provided the presence of the petitioner, therefore, the election petition was liable to be dismissed. In this background of the matter, the aforesaid application was filed but the same has been declined erroneously, thus the impugned order suffers from perversity and illegality.

Per contra, learned counsel for the respondent submitted that

the matter is squarely covered by the judgment of this Court reported as **Seema Devi Vs. Suman and Ors, 2017 (1) RCR (Civil) 349** as well as a judgment of Hon'ble Supreme Court in **Raj Kumar Vs. Mukhtyar Singh and Ors, 2017(1) RCR (Civil) 392** wherein it has been held that the provisions of Section 176(4) of the Act do not envisage the presence of the petitioner for the purpose of entertainment of the petition and non-presentation of the petition in person by the election petitioner would not entail into dismissal of his petition.

I have heard learned counsel for the parties and after appraisal of the paper book, I am of the view that there is no merit in the petition. The controversy with regard to presentation of the petition in person by the Election Petitioner challenging the election of the Sarpanch of the Gram Panchayat has already been dealt with in paragraph 8 to 10 of the judgment in **Raj Kumar's case (supra)**.

Thus, I am of the view that no irregularity has been shown while passing the impugned order and therefore, the present petition is bereft of any merit.

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

February 20, 2018
manoj

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No