

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

**Sr. No.118**

**CR-7414-2018 (O&M)**

**Date of decision: 31.10.2018**

Sakunat

....Petitioner

versus

Kherunisha and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Munish Gupta, Advocate  
for the petitioner.

\* \* \*

**DEEPAK SIBAL, J. (Oral)**

Through the present petition filed under Article 227 of the Constitution of India, the petitioner seeks issuance of a direction to the Civil Judge (Senior Division), Nuh, (for short- 'the Trial Court') to dispose of the election petition filed by the petitioner in a time bound manner.

After hearing learned counsel for the petitioner and having gone through the record of the case, the relevant facts which have emerged are that on 23.02.2016, the petitioner filed a petition under Sections 175(v) & 176A of the Haryana Panchayati Raj Act, 1994 (as amended in the year 2015) to challenge therein the election of respondent No.1 as Sarpanch of village Shikarpur, Tehsil Tauru, District Mewat.

On being put to notice, respondent No.1 appeared before the Trial Court and filed an application under Order 7 Rule 11 CPC seeking rejection of the aforesaid petition. In such application several adjournments were sought and got by respondent No.1 for addressing arguments and

ultimately on 08.03.2018, the application under Order 7 Rule 11 CPC was withdrawn by respondent No.1. Respondent No.1 then filed his written statement on 02.04.2018 and on 10.10.2018, the Trial Court has framed issues.

The above facts revealed that the election petition preferred by the petitioner is pending before the Trial Court for over two years and 8 months through which the petitioner has challenged the election of respondent No.1 as Sarpanch of village Shikarpur, Tehsil Tauru, District Mewat held on 24.01.2016. The term of Sarpanch is five years. Thus, more than half of the term is over and in case the petition filed by the petitioner is not decided expeditiously it would virtually be rendered infructuous.

For the reason that several adjournments were sought and got by respondent No.1 to address arguments on the aforesaid application filed by her under Order 7 Rule 11 CPC which ultimately was withdrawn by her on 08.03.2018 and the right that a litigant has for speedy disposal of any judicial proceedings preferred by him as also for the reason that no prejudice would be caused to any party by issuance of a direction for early disposal of any matter, the present petition is disposed of with the following directions to the Trial Court:-

(a) The petitioner be granted three effective opportunities to lead her entire evidence. Such three opportunities would include the opportunity to lead rebuttal evidence, if any;

(b) after the petitioner has led her entire evidence within the aforesaid opportunities, respondent No.1 be granted three effective opportunities to lead her entire evidence and;

(c) the petitioner's election petition be disposed of within a period of six months from the date next fixed before the Trial Court, which is stated to be 13.11.2018.

If the respondents are aggrieved by passing of the present order they are at liberty to approach this Court by filing of an appropriate application.

**(DEEPAK SIBAL)**  
**JUDGE**

**October 31, 2018**  
*Jyoti 1*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |