

251

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-8438-2017
Date of decision : 22.03.2018

Rishi Pal

... Petitioner(s)

Versus

Ranjeet Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. A.K. Jindal, Advocate
for the petitioner.

Mr. Vivek Goyal, Advocate
for respondent No.1.

Mr. Rajbir Singh, AAG, Haryana
for respondent Nos.8 and 9.

AMIT RAWAL, J. (ORAL)

The petitioner is aggrieved of the impugned order dated 07.11.2017 (Annexure P-8), whereby an application submitted by the petitioner for setting aside the *ex parte* proceedings in the election petition preferred under Section 176 of the Haryana Panchayati Raj Act, has been dismissed.

Learned counsel for the petitioner submits that the respondent No.1 Ranjeet Singh filed an election petition against the petitioner/declared candidate in respect of elections held on 24.01.2016. However, in the aforementioned proceedings, counsel for the respondent No.1 after appearance had noted down the hearing as 20.03.2017 in place of 04.11.2016 and on the said date, *ex parte* proceedings were initiated against

the petitioner. On acquiring the aforementioned fact, an application was submitted in the month of May 2017, which has been dismissed on the ground of limitation. He submitted that in case this Court finds weightage in the revision petition, an appropriate direction can be issued to the Tribunal to decide the petition within a time bound manner by giving limited opportunity to lead evidence, subject to any terms and conditions, which this Court may deem fit.

Learned counsel for respondent No.1 submitted that the delay has gone unexplained. The conduct of the petitioner had been reprehensible and therefore, the discretionary relief should not be exercised in his favour, thus, urges this Court for dismissal of the present revision petition with exemplary cost.

I have heard the learned counsel for the parties and appraised the paper book.

No doubt the conduct of the petitioner/declared candidate had not been honest and diligent in pursuing the election petition as no explanation has come forth from 04.11.2016 till filing of the application in the month of May 2017. Be that as it may, in order to advance justice and prevent miscarriage of justice, I deem it appropriate to set aside the impugned order, under challenge, subject to the cost of ₹15,000/- to be paid to the counsel representing the respondent in the High Court, which shall be a conditioned precedent.

It is made clear that respondent No.1 shall complete his evidence within a period of two months and the petitioner shall examine the witness within two months thereafter. However, the Tribunal shall decide the election petition within a period of another two months in accordance

with law.

Resultantly, the present revision petition stands disposed of.

22.03.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned Yes/ No

✓

Whether Reportable Yes/ No