

CWP-17008-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17008-2018

Date of Decision: 13th July, 2018

Parveen Devi

...Petitioner

Versus

Rajwanti & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. P.S. Sullar, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for quashing of the order dated 14.09.2017 (Annexure P-2) passed by the Additional Civil Judge (Senior Division), Jind, vide which, application of the petitioner for recounting of the votes stands dismissed and the order dated 14.02.2018 (Annexure P-3) passed by the Additional District Judge, Jind, whereby, appeal preferred by the petitioner against the said order, has been dismissed.

It is the contention of the learned counsel for the petitioner that the petitioner had made specific allegations in the election petition that the petitioner was informed orally at the time of announcement of the result that she has lost the election by the margin of two votes, whereas, it turned out that the margin was of twelve votes. Highlighting this aspect, the petitioner had made allegations in para 6 of the election petition.

When a specific question was put by this Court as to whether any application as per Rule 61 of the Haryana Municipal Election Rule,

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1978, for recounting of the votes has been filed before the Presiding Officer or Returning Officer, counsel for the petitioner could not respond to the same categorically either in the positive or in the negative. He has insisted upon the pleadings in paras 5 and 6 of the election petition to assert that there were allegations against the Presiding Officer.

Be that as it may, the fact remains that the petitioner has not moved any application under Rule 61 of the Haryana Municipal Election Rule, 1978, to the Presiding Officer or the Returning Officer for recounting of the votes. The orders impugned have been passed keeping in view the fact that no such application has been preferred by the petitioner which is permissible under the Haryana Municipal Election Rule, 1978. The orders, therefore, as passed by the Courts below, which are impugned in the present writ petition, cannot be said to be in violation of the provisions of the statute nor they are perverse in any manner.

Finding no merit in the present writ petition, the same stands dismissed.

13th July, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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