

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

CR No.222 of 2019 (O&M)
Date of decision : 16.01.2019

Geeta Rani

...Petitioner

Versus

Rekha Rani and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagdish Manchanda, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Petitioner, who is respondent No.1 in the election petition, is in revision petition against the order passed by the Election Tribunal dismissing the application filed under Order 6 Rule 17 of Code of Civil Procedure (hereinafter to be referred to as “CPC”) seeking amendment of the written statement so as to include/add the plea that respondent No.1 passed her 8th standard examination from Board of School Education, Haryana.

In para 9 of the unamended written statement, defendant has already pleaded that she has passed her Middle examination from Dayanand Arya Girl Senior Secondary School, Karnal in the year 1987. Para 9 of the unamended written statement is extracted as under:-

“9. That the petitioner has not come to the court with clean hands and the petitioner has concealed the true and

material facts from the Hon'ble Court and as such the petitioner is not entitled for any discretionary relief from the Hon'ble Court. The true facts of the case are the answering respondent won the election by a margin of 501 votes and the petitioner can not digest the victory of the answering respondent and as such after election the petitioner have started used to file false, fabricated and baseless applications before the different authorities against the answering respondent in which the answering respondent has already submitted her reply. The answering respondent was perfectly competent and qualified at the time of nomination to contest the election in question but the petitioner wants to harass the answering respondent on one ground or the other. The present petition is also baseless and contrary to the facts. The answering respondent was legally competent and educational qualified as per the qualification fixed by the Govt of Haryana for contesting the election in question and as such the present petition is without merits and liable to be dismissed. The nomination form of the answering respondent was duly accepted by the Presiding officer since the educational qualification and documents of the answering respondent are/were genuine. The answering respondent has passed her Middle Examination from Dayanand Arya Girl Senior Secondary School Karnal in the year 1987 and School Leaving Certificate was also issued by the said school on 13/07/2004 in which the answering respondent has been shown that she has passed the Middle Examination from the said school and the said certificate was duly countersigned by Distt Education Officer Karnal on 19/10/2004. It is also mentioned here that in the year 1989 the answering respondent also applied for Matriculation examination conducted by Board of School Education Haryana being

student of Jain Girls Senior Secondary School Karnal but the answering respondent could not pass the Matriculation examination so the Board of School Education Haryana under roll no. 794115 issued a certificate to the answering respondent on 13/07/2016 in which it has been clearly shown that the answering respondent was fail in the said Matriculation examination. From the above stated fact it is very much clear that without passing Middle examination how a person can appear in Matriculation examination. Photocopy of the certificates are attached with the written statement and may also be read as a part of the written statement.”

As per Order 6 Rule 2 CPC, pleadings are required to be concise and only facts in brevity are required to be pleaded. The evidence is not required to be pleaded.

In view thereof, once there is already pleadings, the petitioner, who is respondent in the election petition, is entitled to lead evidence to substantiate his plea.

It may be noted that the election petition is pending for more than 2 years and the trial is at a very advance stage as the petitioner in the election petition (respondent herein) has closed his evidence on 06.04.2017 and respondent No.1 is in the process of leading her evidence.

In view of what has been observed above, the present revision petition stands disposed of.

16.01.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No