

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

**CR No.2671 of 2019(O&M)
Date of Decision: 19.09.2019**

Sunita @ Kusum Tanwar

.....Petitioner

Versus

**The Deputy Commissioner-cum-District Election Officer
(Panchayat) Bhiwani and others**

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Mukesh Yadav, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 30.03.2019 passed by Civil Judge (Junior Division), Bhiwani, vide which application under 7 Rule 11 CPC for rejection of election petition filed by the petitioner was dismissed.

[2]. Petitioner filed an application for rejection of election petition on the ground of non-compliance of provisions of Sub Section 2 of Section 176 of the Haryana Panchayati Raj Act, 1994.

[3]. Earlier an order was passed by the Election Tribunal on 12.02.2016, whereby the application filed by the petitioner under

Order 7 Rule 11 CPC for rejection of plaint was allowed. Against the said order, **CR No.6626 of 2016** titled **Suman Vs. The Deputy Commissioner-cum-District Election Officer (Panchayat)Bhiwani and others** was filed in the High Court and the same was allowed vide order dated 10.01.2019. While deciding the aforesaid revision petition, the Co-ordinate Bench relied upon judgment of Hon'ble Apex Court and High Court and held that the Act does not envisage any mandatory requirement of law and in case, the election petition was filed without the presence of the petitioner, the defect is curable and it does not entail in dismissal of the election petition. The direction was issued to the Election Tribunal to decide the controversy expeditiously as possible preferably within a period of 10 months from the date of receipt of certified copy of that order. The said period is going to expire in the month of November 2019.

[4]. In **C.P. Joshi Vs. Kalyan Singh Chouhan and another, 2010 AIR (Raj) 100**, it was held that election petition filed without supplying list of documents, particularly when the contents of documents already stood incorporated in the election petition, would not be a ground to dismiss the election petition.

[5]. The provisions of Representation of People Act in the

light of observations made by the Hon'ble Apex Court in **Chandrakant Uttam Chodankar Vs. Shri Dayananad Rayu Mandrakar, 2005(1) RCR (Civil) 273** in the context of Section 81(c) of the Representation of People Act as to verification, are not mandatory in nature and the defective verification would not entail in dismissal of election petition as the same was not fatal to the maintainability of the election petition. The technical defects are curable in nature. The defect in verification of pleadings cannot be fatal to the election petition in the light of observations made in **Kamaljit Kaur Vs. Jasbir Kaur and others, 2010(1) RCR (Civil) 332.**

[6]. In the light of decision rendered in CR No.6626 of 2016 on 10.01.2019, there was no scope left for the defendant to rake up the issue again, particularly when direction was issued by the High Court to decide the election petition within a time bound period of 10 months from the date of receipt of certified copy of said order.

[7]. For the reasons recorded hereinabove, I do not see any justification to interfere in this revision petition. This revision petition is accordingly dismissed.

19.09.2019

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Whether reasoned/speaking
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No