

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

**CR No.3418 of 2019(O&M)
Date of Decision: 23.05.2019**

Aarifa	Petitioner
Versus	
Munfida and others	Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Gopal Sharma, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 16.05.2019 passed by Civil Judge (Junior Division), Ferozepur Jhirka, District Mewat, closing the evidence of the petitioner who was respondent No.1 before the trial Court being a returned candidate for the post of Sarpanch.

[2]. Respondent No.1 filed a petition under section 175(II) (v) of Haryana Panchayati Raj Act, 1994 and Amended Act, 2015 for setting aside the election of the petitioner to the post of Sarpanch.

[3]. Trial Court vide the impugned order dated 16.05.2019 closed the evidence of the petitioner (returned candidate) on the ground that numerous effective opportunities were granted to

the petitioner, but the petitioner miserably failed to conclude her evidence. Finding no alternative, the trial Court closed the evidence of the petitioner by order of the Court after granting last opportunity to the petitioner. One opportunity was granted to the petitioner for placing on record documentary evidence, if any, on 27.05.2019.

[4]. Perusal of the record would show that on 30.07.2018, no RW was present. The case was adjourned to 13.08.2018 for evidence of the petitioner. On 13.08.2018, similar situation arose and the case was further adjourned to 07.09.2018 for evidence of the petitioner. Similarly on 07.09.2018, the case was adjourned to 05.10.2018 for the same reason. On 05.10.2018, one witness was present. The case was handed over to the Local Commissioner to record the evidence and the witness was examined. The case was further adjourned to 16.11.2018 for remaining evidence of the petitioner (returned candidate). On 16.11.2018, no witness was present. Adjournment was sought. The same was allowed and the case was adjourned to 17.12.2018. Similar situation existed on 17.12.2018 and the case was adjourned to 15.01.2019 subject to last opportunity to the petitioner to conclude her evidence. On 15.01.2019, no witness was present. The adjournment was sought and the same was allowed subject to last opportunity to

the petitioner and the case was adjourned to 12.02.2019. On 12.02.2019 also similar situation persisted. Last opportunity was recorded in the order and the case was adjourned to 05.03.2019 for the same reason. On 11.03.2019, the trial Court passed the order that two witnesses namely Dinesh Kumar and Manish Kumar were present and were examined. The identity of Manish Kumar was objected to by the learned counsel for election petitioner. In that context, the order was passed and the objections raised by the election petitioner was rejected. Since no other witnesses were present, the case was adjourned to 25.03.2019 subject to last opportunity to the petitioner to conclude the entire evidence on the next date. On 25.03.2019, no witness was present. Last opportunity was recorded and the case was adjourned to 22.04.2019. Since the Presiding Officer was to avail some casual leave, therefore, the case was taken up on 20.04.2019 and was further adjourned to 03.05.2019. Similar situation persisted on 03.05.2019 as no witness was present. The case was adjourned to 14.05.2019 subject to last opportunity. The case was ultimately taken up on 16.05.2019 and the impugned order was passed.

[5]. Perusal of the aforesaid interlocutory orders would show that no indulgence can be granted to a person who has not acted diligently. Petitioner is a returned candidate in an

election to the post of Sarpanch in Gram Panchayat. The desire of the election candidate is only to delay the disposal of the election petition. Substantial delay has already occurred.

[6]. In view of above, no fault can be attributed to the trial Court in closing the evidence of the petitioner (returned candidate) by order of the Court. This revision petition is accordingly dismissed.

23.05.2019
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No