

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

TA-761-2019 (O&M)

Date of decision: 05.09.2019

Jasvir Singh

...Applicant

Versus

Mukand Singh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Rajesh Bhatheja, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

By way of filing the present application, applicant Jasvir Singh, prays for transfer of Election Petition No. 47 dated 11.02.2019, titled as 'Mukand Singh Vs. Gurdit Singh and another', filed by respondent No.1, pending before the Court of SDM, Dharamkot, District Moga to the Court of SDM, Moga or any other tribunal of competent jurisdiction.

According to the applicant, he was elected Sarpanch of Village Atari, Tehsil Dharamkot, District Moga, defeating respondent No.1 Mukand Singh. Mukand Singh had challenged the election, by filing the Election Petition before Election Tribunal-cum-SDM Moga. The applicant was summoned there and he put in appearance, filed written reply. However, in view of the notification No.S.O.56/P.A.19/1994/S.73/2019 dated 03.06.2019, issued by Government of Punjab, the Election Petition has been transferred to

Election Tribunal-cum-SDM Dharamkot. The applicant has got an apprehension that he would not get justice from that Election Tribunal-cum-SDM Dharamkot because respondent No.1 Mukand Singh is very close to local Congress MLA Sukhjeet Singh Kaka, Lohgarh, who is having proximity with SDM Dharamkot, namely, Sh. Narinder Singh and respondent No.1 is openly proclaiming that the petition would be decided in his favour. As such, the application be accepted.

I have heard learned counsel for the applicant besides going through the record and I find that there is absolutely no merit in the application. The Election Petition in question has not been singled out for transfer from the Election Tribunal at Moga to Election Tribunal at Dharamkot, rather, in pursuance of the notification issued by Department of Elections, Local Bodies Election Wing, Government of Punjab, various officers have been appointed as Presiding Officers of the Election Tribunals throughout the State of Punjab. The jurisdiction has been transferred, vide this notification. The apprehension in the mind of applicant is not substantiated by material on record. The reasoning given for the apprehension is not very sound and convincing. People do level such type of allegations in an attempt to get their cases transferred from one Court/Tribunal to other Court/Tribunal. Cases cannot be transferred on the basis of such general and sweeping allegations. Thus, I do not find any merit in the instant application. The same stands dismissed.

05.09.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No