

112

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

**Civil Revision No.124 of 2019
Date of Decision: 11.01.2019**

POONAMPetitioner
Vs
MEENU DEVI AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Harish Bhardwaj, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred by the petitioner against the order dated 04.12.2018 passed by the Civil Judge (Jr. Divn.) Gohana.

[2]. It appears from the record that the respondent being an election petitioner filed an application for recount of votes by giving up other grounds of corrupt practices. The prayer was accepted and re-count of votes was ordered by the trial Court.

[3]. Order of re-count of votes was assailed by the petitioner in the High Court by way of filing CR No.6620 of 2016 and the order dated 21.09.2016 passed by the Civil Judge (Jr. Divn.) Gohana was set aside vide order dated 29.05.2018. The Civil Judge (Jr. Divn.) Gohana was directed to proceed with the election petition expeditiously.

[4]. Petitioner seeks to derive inference from the waiver made by the respondent qua other grounds of corrupt practices at the time of filing of application for re-count of votes.

[5]. I have considered the submissions made by learned counsel for the petitioner.

[6]. In my considered opinion, when the order for re-count of votes was set aside by the High Court then waiver qua other grounds has to be restored back to the election petitioner/respondent and the election can be assailed by the respondent on all those grounds in accordance with law before the trial Court. The statement given by the respondent cannot be construed to mean that such waiver at the relevant time would entail in making the election petitioner to be remediless after acceptance of CR No.6620 of 2016 against the order dated 21.09.2016 passed by the Civil Judge (Jr. Divn.) Gohana, allowing the prayer for re-count of votes and to decide the fate of election on the basis of computation and scrutiny of ballot papers.

[7]. In my considered opinion, the impugned order dated 04.12.2018 passed by the Civil Judge (Jr. Divn.) Gohana, does not suffer from any error of jurisdiction. This revision petition is accordingly dismissed.

January 11, 2019

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No