

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

**C.R. No 8298 of 2018
Date of decision : 16.12.2019**

Jarnail Singh

....Petitioner

versus

Neelam Rani and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.S. Sahu, Advocate
for the petitioner.

Mr. Rahul Deswal, Advocate
for respondent No. 1

Mr. R.K.S Brar, Addl.A.G. Haryana

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 20.11.2018 passed by learned Election Tribunal, Ratia District Fatehabad whereby application moved by y the petitioner seeking to examine official concerned along with record in additional evidence, has been rejected.

Brief facts of the case are that as per amended Haryana Panchayati Rajh Act, woman candidate contesting for the post of Sarpanch was required the qualification of middle class pass out and the woman candidate who is not possessing the middle class pass out, could not contest the election for the post of Sarpanch. Respondent No. 1 who was not possessing the qualification of middle class, was declared elected on the basis of forged certificate attached along with her nomination papers.

The case of petitioner is that respondent No. 1-Neelam which was engaged in providing meals to Anganwari Centre at Balabgarh from October

2012 to March 2013, used to prepare meal herself and received the payments in this regard. The petitioner was not aware of the aforesaid facts at the time of his evidence and could not lead any evidence in this regard. He wants to only examine the official concerned (Official from the office of Women and Child Development Project Officer, Ratia) along with record in additional evidence.

Learned counsel for the petitioner at the very outset has referred to impugned order dated 20.11.2018 whereby application of the petitioner has been rejected on the ground that the CPC nowhere provides any enabling provision in this regard after deletion Order of 18 Rule 17 CPC.

Learned counsel for the petitioner is relying upon documents Ex PA to PD which shows that respondent No. 1 has received the payment. Both these documents were put to respondent No. 1 during her cross examination.

Learned counsel for respondent No. 1 states that respondent No. 1 denied these documents Ex PA to PD that respondent No. 1 received this payment as Cook and her stand in the written statement was that payment was received by cook.

Since Ex PA to PD are official documents and there was specific denial by respondent No. 1, order dated 20.11.2018 is set aside and the trial Court is directed to give one effective opportunity to the petitioner to summon official from the office of Women and Child Development Project Officer, Ratia along with record to prove the documents Ex PA to PD. The petitioner shall give the name of the witness to be examined.

December 16, 2019
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No