

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

CR-25-2023 (O&M)

Date of decision: January 06, 2023

Amit Kumari

....Petitioner

versus

Kavita Sharma and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ashish Aggarwal, Senior Advocate with
Mr. Govind Chauhan, Advocate for the petitioner.

ARUN MONGA, J. (ORAL)

Present revision petition is to set aside the order dated 08.12.2022 (Annexure P-8) passed by learned Civil Judge (Senior Division), Karnal whereby trial Court has dismissed the application (Annexure P-7) for preponement of the case and for interim stay.

2. Succinct factual background first as pleaded in the petition. Petitioner contested the election for the post of Sarpanch in Gram Panchayat Elections of Village Gonder, Block Nissing, District Karnal held on 12.11.2022. On 12.11.2022, respondent No.1 was declared as elected candidate. Petitioner found that votes of dead persons, the persons having dual votes and some other persons, who were not available in the village are shown to have casted their respective votes. Petitioner moved representations for deleting the names of aforesaid persons, but nothing was done. Respondent No.1 being earlier Sarpanch was having knowledge in this regard and by taking undue advantage, she has manipulated the votes. Petitioner approached the learned Tribunal by filing an Election Petition. Notice in the

said petition has been issued for 23.02.2023. In the meantime, respondents No.5 and 6 were bent upon to hand over the charge of the post of Sarpanch of Village Gonder to respondent No.1. Vide impugned order dated 08.12.2022 (Annexure P-8), learned Tribunal dismissed the application (Annexure P-1) of the petitioner for preponement and prayer of the petitioner for grant of *ad interim* stay for restraining respondents No.5 to 6 from handing over charge of Sarpanch to respondent No.1 has not been dealt with. Hence, the present revision.

3. Given the nature of order being passed, there is no necessity to issue notice to the respondents as no prejudice would be caused to them. Notice to the respondents is dispensed with.

4. I have heard learned counsel for the petitioner and gone through the case file.

5. For the reasons stated in the petition as regards the prayer to injunct respondent No.1 to take over charge as Sarpanch, the same, on a Court query, is conceded to be infructuous, at this stage, since the charge has already been handed over to her.

6. In the premise, though nothing much survives for adjudication before this Court, however, given that elections are for a fixed term, it is expected of the Election Tribunal seized of the matter to not grant unnecessary adjournments and to dispose of the pending petition as expeditiously as possible. In order to balance the equity, it is also directed that record, which is sought to be relied upon by the petitioner, on an application being moved by the petitioner, shall be preserved by the concerned authority and will not be destroyed during pendency of the trial.

7.
- Disposed of, accordingly.
8.
- Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

January 06, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No