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2023:PHHC:111104

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Civil Revision No.4858 of 2023

Date of decision: 24.08.2023

Jaswinder Kaur

.... Petitioner

Versus

Deputy Commissioner, Gurdaspur and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**

Present: Mr. Mandeep S. Bedi, Senior Advocate with  
Mr. Abhishek Thakur, Advocate, for the petitioner.

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**GURBIR SINGH, J. (Oral)**

1. Prayer in this revision petition filed under Article 227 of the Constitution of India is for issuance of direction to respondent No.5 to hear and decide the election petition filed by the petitioner titled as *Jaswinder Kaur Versus Kamlesh Rani and others*, pending in the Court of respondent No.5.

2. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner filed an election petition and challenged the order whereby respondent No.2 was finally declared elected. In the election petition, the Election Tribunal, Dinanagar, vide order dated 16.12.2021 (Annexure P-5) passed the following order:

*“Both the parties were heard and the case file was perused. It has been contended by the petitioner that 71 votes were polled for her and 40 votes were polled in favour of respondent No.1. But the respondent No.1 was wrongly declared the winner by the polling staff. Now respondent No.1 also has no objection to recounting. Therefore, this court orders a recount of the votes polled on 30.12.2018 in the ward No.2. In*

*this regard the Block Development and Panchayat, Dinanagar is instructed to count the votes in presence of both the candidates and in presence of their one representative from each side. In this regard Naib Tehsildar is appointed as Executive Magistrate who will assist Block Development and Panchayat Officer during counting. In this regard the concerned election staff should be invited and included in the recount. The Block Development and Panchayat Officer is directed to video tape the entire process of recounting and send the complete report to this court by 31.12.2021 after completing the entire process. The Block Development and Panchayat, Dinanagar is directed to issue instructions to the polling staff to attend the recounting process.”*

3. Vide order dated 16.12.2021 (Annexure P-5), complete report with respect to counting of votes was sought by the Election Tribunal, Dinanagar, but still no action has been taken thereon.
4. Learned senior counsel for the petitioner submits that the petitioner would be satisfied if recounting of votes is held as per order dated 16.12.2021, which is pending before respondent No.5.
5. Without commenting on the merits of the case, present petition is disposed of with a direction to respondent No.5 to have the recount of votes, as per order dated 16.12.2021 (Annexure P-5), as early as possible but not later than one month on receipt of certified copy of this order.

**(GURBIR SINGH)**  
**JUDGE**

**August 24, 2023**

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No