



CR-5013-2023

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119)

CR-5013-2023

Date of Decision: 01.08.2024

Sawati Devi

.....Petitioner

Versus

Sunita and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aman Redhu, Advocate, for the petitioner.

HARKESH MANUJA, J.(ORAL)

1. By way of present revision petition, challenge has been laid to an order dated 27.07.2023 passed by learned Civil Judge (Jr. Divn.)-cum-JMIC, Hansi, vide which an application under Order 7 Rule 11 CPC, filed at the instance of petitioner was dismissed.

2. Briefly stating, an Election petition invoking Section 176 of the Haryana Panchayati Raj Act 1994, came to be filed at the instance of respondent No.1 challenging the validity of election of *Sarpanch* of Village-Kharbala Tehsil Bass, District Hisar, held on 25.11.2022. The petitioner being respondent No.9 in the Election petition moved an application under Order 7 Rule 11 CPC seeking rejection of the same on various grounds. The said application was opposed at the instance of respondent No.1 herein. The trial Court vide order dated 27.07.2023 dismissed the application filed on behalf of the petitioner.

3. Impugning the aforesaid order, learned counsel for the petitioner while referring to the contents of the election petition submits that no cause of action is at all made out to entertain and adjudicate upon the Election petition filed at the instance of respondent No.1 and thus, the same is liable

**CR-5013-2023****2**

to be rejected. Learned counsel for the petitioner submits that the contends stated in the Election petition regarding certain NRIs besides even certain individuals who are in the central government service having voted during the election process were totally vague as no details whatsoever about such individuals were given in the election petition.

4. Although, in the application filed before the trial Court invoking Order 7 Rule 11 CPC, few other pleas were also raised, however, at the time of making submissions before this Court except the aforementioned, no other submission/argument were addressed.

4. I have heard learned counsel for the petitioner and gone through the paper book and the Election petition.

5. In the Election petition wherein, specific ground has been raised that certain individuals who happened to be NRIs besides few others who are in central government service are shown to have voted in the election held on 25.11.2022, though, the details, particulars about their names and addresses have not been mentioned therein, however, the same is a matter of evidence. Once specific pleadings have been laid down in the election petition, the details so as to substantiate those averments need to be brought on record by way of evidence at the appropriate stage. It is settled law that the evidence is not required to be made part of pleadings. In such circumstances, without affording any opportunity to the election petitioners/respondent No.1 so as to lead evidence in support of the specific averments made in the election petition, the same cannot be rejected in terms of Order 7 Rule 11 CPC.

6. Accordingly, finding no illegality, perversity with the reasons recorded by the trial Court, the impugned order is upheld. The present



CR-5013-2023

3

revision petition stands dismissed.

(HARKESH MANUJA)
JUDGE

01.08.2024
anil

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No