Beant Kaur Vs Nasib Kaur and others

FAO No. 4699 of 2009

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: March 29, 2012

Citation: (2012) 03 P&H CK 0124

Hon'ble Judges: Nawab Singh, J

Bench: Single Bench

Advocate: C.M. Munjal, for the Appellant; R.V.S. Chugh, Advocate, for respondent No. 1. and Mr. Peeush Gagneja, Advocate, for respondents No. 2, 4, 6 and 17, for the Respondent

Final Decision: Dismissed

Judgement

Nawab Singh, J.
This appeal has been filed by Beant Kaur challenging the order dated August 27th, 2009 passed by the Presiding

Officer, Election Tribunal-cum-Deputy Commissioner, Mansa (for short "the Tribunal"), whereby, re-counting of the votes of election of Gram

Panchayat of village Attla Khurd was ordered. Nasib Kaur (defeated candidate) respondent filed election petition before the Tribunal on various

grounds against Beant Kaur (winning candidate).

2. The main thrust of the argument of learned counsel for the appellant is that the Tribunal had no authority to order re-counting of the votes.

3. The question arises as to whether re-counting of the votes could be ordered by the Tribunal during the pendency of the election petition or not ?

The question is no more res-integra. In a judgment, Roop Singh vs. The Deputy Commissioner and others 2006 (2) L.A.R. 282, a division Bench

of this Court after referring to the earlier judgments passed by this Court in Gurtej Singh vs. FAO No. 4699 of 2009. (2) Darbara Singh 2000(2)

RCR (Civil) 525 and Mander Singh vs. Mangal Singh 2000 (3) PLR 825 held that to finally do complete justice between the parties and to avoid

unnecessary protracted litigation, the order of re-counting is an effective and expeditious solution and upheld the order of re-counting passed by

the Tribunal. Above being the legal and factual position, the appeal is devoid of merit and is dismissed.