

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6254/2006

(From the judgement and order dated 15/02/2006 in FAO No. 2800/2005
and the impugned final judgment and order dated 02/03/3006 in RA No.7/2006
in FAO No.2800/2005 of the HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH)

HARNEK SINGH

Petitioner(s)

VERSUS

BALJIT SINGH & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 23/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr. Narender Yadav,Adv.

Mr. Mushtaq Ahmad,Adv.

For Respondent(s)

Mr. P.S. Thaira,Adv.

Mr. A.P. Mohanty,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Heard the learned counsel for the parties for about one
hour.

For the reasons mentioned in the signed order, th
impugned judgment is set aside, the matter is remitted to
High Court for consideration thereof afresh on merit and
appeal is disposed of.

(A.S. BISHT)
BHARDWAJ)

COURT MASTER

(PUSHAP LATA

COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 960 OF 2007

[Arising out of SLP(C) No.6254/2006]

HARNEK SINGH

..... APPELLANT

(S)

:VERSUS:

BALJIT SINGH AND ORS.

..... RESPONDENT

(S)

O R D E R

Leave granted.

Having heard the learned counsel for the parties we are of the opinion that the High Court, having exercised its appellate jurisdiction, was obligated to consider the entire materials on records and thus, could not have refused to do so only on the ground that the order dated 15.7.2004 passed by the Election Tribunal directing recounting of votes has been upheld by the High Court as also by this Court.

The Appellant inter alia contends that the manner in which the recounting has been done is contrary to the provisions of the rules framed under the Punjab Panchayat Election Rules. The High Court, in our opinion, should thus have considered that aspect of the matter also.

For the reasons aforementioned, the impugned judgment cannot be sustained and it is set aside accordingly. The matter is remitted to the High Court for consideration thereof afresh on merit.

We would, however, request the High Court to consider the desirability of disposing of the appeal filed by the appellant herein, as expeditiously as possible.

The appeal is disposed of with the aforementioned directions and observations.

.....J

(S.B. SINHA)

.....J

(MARKANDEY KATJU)

NEW DELHI,

FEBRUARY 23, 2007.