

266 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC:110724



CR-5229-2025 (O&M)
DATE OF DECISION : 21.08.2025

SARABJEET KAUR

... PETITIONER

V/S

SUB DIVISIONAL MAGISTRATE CUM ELECTION TRIBUNAL
AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Dhiraj Jindal, Advocate for the petitioner.

Mr. S.S.Sandhu, Advocate for
Mr. S.S.Swaich, Advocate for respondent no.1.

Mr. Shiv Kumar Sharma, Advocate for respondent no.4.

* * *

PARMOD GOYAL, J. (ORAL)

Mr. S.S.Swaich, Advocate has filed power of attorney on behalf
of respondent No.1.

The only dispute in the present revision petition is regarding
recounting of votes.

Learned counsel for the respondents has placed reliance upon
the judgment of Hon'ble Supreme Court of India in *Mohit Kumar Vs.
Kuldeep Singh and others in Civil Appeal No. 10487 of 2025* and argued
that recounting of votes would lead to justice between both the parties.

Learned counsel for the petitioner, however, submits that if
recounting is allowed, same be videographed and be done in the presence of
the petitioner. I find that both the candidates have secured similar number of
votes i.e. 47 each.

In view of number of votes cast and received, there can be error while counting the votes. Each candidate has received 47 votes in their favour as per counting of votes. In these circumstances, let recounting be done. However, it is made clear that if recounting is again found to be 47 votes in favour of both the candidates, then fresh draw of lots for declaring Panch shall not be drawn and person already declared Panch shall continue as recounting is not second chance to the respondent to win in draw of lots. Recounting shall be videographed by the authorities, copies of which shall be handed over to both the parties. The recounting shall be done in the presence of both the parties after due notice to them and in case, after due notice any of the parties fails to appear, recounting shall be undertaken in absence of such party.

Disposed off in above terms.

21.08.2025

Janki

**(PARMOD GOYAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No