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Court : Rajasthan

Decided On : Sep-02-1986

Reported in : 1986WLN(UC)492

Judge : Sobhag Mal Jain, J.

Appeal No. : S.B. Civil Writ Petition No. 2227 of 1982

Appellant : Rajendra Singh

Respondent : Mahendra Singh

Disposition : Petition allowed

Judgement :

S.M. Jain, J.

1. The election of the petitioner as Sarpanch of Panchayat Circle 3-M Sahibsinghwala of Panchayat Samiti, Sri Ganganagar was challenged by respondent No. 1 Mahendra singh by filing an election petition before the Munsif (Panchayat Election Tribunal) Sri Ganganagar, but the amount of security of Rs. 50/- for the costs of opposite party was not deposited along with the election petition as required by Rule 79(2) of the Panchryat Election Rules, 1960. This court in Gulab singh v. M.J.M. Bhadra 1981 W.L.N. (U.C) 78 has held that the provisions of Rule 79(2) are mandatory and the Election Tribunal could not

entertain the election petition on account of non-compliance of Rule 79(2). In the present case admittedly the security of Rs. 50/-for costs of the opposite party was not deposited along with the election petition Accordingly, the writ petition is allowed and the order of. Munsif (Panchayat Election Tribunal) Sriganganagar dated 11-10-1912 is set aside and the election petition filed by respondent Mahendra Singh shall stand dismissed. There will be no order as to costs.

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