

SUPREME COURT OF INDIA

Ram Mehar

Vs.

Methab Singh

C.A.No.5241 of 2008

(CJI. K.G. Balakrishnan and P. Sathasivam JJ.)

25.08.2008

ORDER

1. Leave granted.

Heard both sides.

2. The appellant herein has challenged the recounting ordered by the Addl.Civil Judge, Senior Division in an Election Petition filed by the respondent no.1 herein. The High Court had declined to interfere with the order passed by the Addl.Civil Judge, Senior Division. We are told that after the recounting of the votes, the Election Petition itself was finally disposed of by the Addl.Civil Judge, Senior Division, Bhiwani, Haryana on 22.8.2008. In view of the order passed by the Addl.Civil Judge, Senior Division, disposing of the Election Petition, this matter has become infructuous. Accordingly, the appeal is disposed of as having become infructuous. No costs.

3. But we make it clear that the appellant would be at liberty to challenge the order passed by the Addl.Civil Judge, Senior Division, on the basis of the grounds alleged in the present appeal also for which we express no opinion.