

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.15220 of 2026

Date of Decision: 01.09.2026

Sarwan Singh

.....Petitioner

Versus

State of Himachal Pradesh & others

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Ashok Kumar Verma, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar,
Additional Advocate Generals with Mr. Ravi
Chauhan & Mr. Anish Banshtu, Deputy
Advocates General.

Sandeep Sharma, Judge(oral):

Being aggrieved and dissatisfied with order dated 21.08.2026 (**Annexure P-14**) passed by the Financial Commissioner (Appeals), Himachal Pradesh, Shimla, whereby an application under Order 9 Rule 9 read with Section 151 of the Code of Civil Procedure filed by the petitioner for restoration of Revision Petition No. 09 of 2022, titled as **Sarwan Singh v. State of H.P.**, which was dismissed in default vide order dated 08.12.2023, came to be dismissed, petitioner has approached this Court in the instant proceedings filed under Article 226 of Constitution of India, praying therein to set aside

¹ Whether the reporters of the local papers may be allowed to see the judgment?

aforesaid order and direct afore authority to restore the Revision Petition and decide the same on its own merits.

2. Having heard learned counsel for the parties and perused the material available on record vis-à-vis reasoning assigned in the impugned order, this Court finds no illegality or infirmity in the same and as such, no interference is called for.

3. Careful perusal of order dated 08.12.2023 reveals that despite repeated opportunities, petitioner or his counsel failed to appear before the appellate Court and as such, it had no option, but to dismiss the case in default. Though, by way of filing an application for restoration, an attempt was made on behalf of the petitioner to establish that he was not served for 08.12.2023 on which date the revision petition was dismissed in default, but authority concerned, while considering the application, perused the record and found that for 08.12.2023, the petitioner was duly served and as such, no illegality can be said to have been committed by the Financial Commissioner (Appeals), while passing the impugned order.

4. Consequently, in view of the above, this Court finds no merit in the present petition and accordingly, same is dismissed. However, having taken note of the fact that during the pendency of the appeal before the Financial Commissioner (Appeals), the petitioner had approached the competent authority for extension of

lease, and the authority concerned, i.e., Naib Tehsildar, Dhatwal at Bijhari, District Hamirpur, Himachal Pradesh after visiting the spot, submitted the case of the petitioner for extension of lease vide communication/report (Annexure P-9), this Court, without interfering with the order impugned in the instant proceedings, deems it fit to direct Sub Divisional Officer(C), Barsar, District Hamirpur, Himachal Pradesh to take appropriate action in accordance with law upon the report submitted by Naib Tehsildar, Dhatwal at Bijhari, District Hamirpur, Himachal Pradesh vide report dated 02.01.2025 (Annexure P-9) for extension of lease expeditiously, preferably within a period of two months and till then, no coercive action shall be taken against the petitioner qua dispossession, if any, pursuant to communication dated 10.07.2026 (Annexure P-11). Ordered accordingly. Pending applications, if any, also stands disposed of.

**(Sandeep Sharma),
Judge**

September 01,2026
(shankar)