

CWP No. 15884 of 2010

Date of decision: 18.08.2015

Roshni and others

.....Petitioners

versus**Financial Commissioner, Haryana and others**

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**Present:** Mr. Shilak Ram Hooda, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana

Mr. Atul Lakhanpal, Sr. Advocate with
Mr. R.S.Chahal, Advocate
for respondent No. 6.Mr. Ashish Rawal, Advocate
for respondent No. 24.**Rakesh Kumar Jain, J.(Oral)**

Respondent No. 6 initiated partition proceedings against the present three petitioners as well as other private respondents in respect of land falling in Khewat No. 29/27, 28, 29, Khata No. 46, 47 total measuring 124 Kanals 10 Marlas. The mode of partition was prepared by the Assistant Collector, Ist Grade, Sonapat on 9.09.2003 and was read over to all the share holders. Except for respondent No. 24, namely, M/s Viva International Ltd. Pitampura, Delhi no other co-sharer raised any objection to the mode of partition. The objection was rejected by the Assistant Collector, Ist Grade and hence the litigation started and was carried up to the Court of Financial Commissioner, wherein it was decided that clause II of the mode of partition may be amended.

Aggrieved against the orders passed by the revenue authorities, the three share holders, namely, Smt. Roshni, Smt. Krishna and Smt. Santosh, who are the daughters of Sardar Singh have filed this petition in which the proceedings before the Assistant Collector, Ist Grade, Sonapat was ordered to be stayed.

Today, Shri Ashish Rawal, Advocate appearing on behalf of respondent No. 24 has submitted that the present petition may be allowed and the orders passed by the revenue authorities, impugned in this petition may be set aside and the mode of partition prepared by the Assistant Collector, Ist Grade, Sonapat on 9.09.2003 may be maintained.

In so far as, the show cause notice, issued to Assistant Collector, Ist Grade, Sonapat, the Collector, Sonapat, the Commissioner, Rohtak Division, Rohtak and the Financial Commissioner, Haryana as to why proceedings be not initiated for ignoring the judgments in **Bhartu v. Ram Sarup, 1981 P.L.J., 204,** is concerned, no order is required to be passed because they have already tendered their affidavits explaining their stand taken therein.

In view of the statement made by learned counsel for respondent No. 24, the present petition is hereby allowed, impugned orders are set aside/quashed and it is ordered that the mode of partition prepared by the Assistant Collector, Ist Grade, Sonapat on 9.09.2003 would enure for the purpose of further proceedings.

[RAKESH KUMAR JAIN]
JUDGE

18th August, 2015
Shivani Kaushik