

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No. 949 of 2014 (O&M)

DATE OF DECISION : 08.09.2015

Gurmail Singh and others

.... APPELLANTS

Versus

Financial Commissioner, Revenue -cum- Secretary, Punjab, Chandigarh and
others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. B.S. Rana, Advocate, for
Mr. Jaswinder Singh, Advocate,
for the appellants.

Mr. Inder Pal Goyat, Addl. A.G., Punjab.

Ms. Sandeep Kaur, Advocate,
for respondents No.5 to 7.

Mr. Gourave Bhayya Gilhotra, Advocate,
for respondent No.8.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 07.11.2013 passed by the learned Single Judge, whereby the writ petition (CWP No. 16367 of 2000) filed by the appellants was dismissed for non prosecution, as the appellants did not take steps to serve the unserved respondents. The application (CM No. 17217-CWP of 2013) filed by the appellants for re-calling the said order was also

dismissed in default due to non-appearance of the counsel vide order dated 16.05.2014. The appellants have also challenged the said order in the instant appeal.

As per the previous order, service of the respondents is still not complete.

We have heard learned counsel for the parties.

In this case, the writ petition was filed in the year 2000. The counsel who filed the writ petition on behalf of the appellants had also expired. Because of that reason, in the absence of proper communication, service on the respondents could not be effected. We are of the view that it is always in the interest of justice that every lis is to be decided on merits.

Learned counsel for the appellants states that the appellants will take all steps to serve the unserved respondents. He prays that the impugned order be set aside and the matter be remitted back to the learned Single Judge to decide the writ petition on merits.

In the facts and circumstances of the case, we are of the opinion that in the interest of justice, the appellants must be afforded one opportunity to serve the unserved respondents and the writ petition filed by the appellants should be decided on merits. Accordingly, we set aside the impugned orders dated 07.11.2013 and 16.05.2014, and remit the matter back to the learned Single Judge to decide the writ petition on merits. If service of some of the respondents is not complete, steps be taken in

accordance with law to serve them, but the matter should be decided on merits.

Appeal is, accordingly, disposed of.

(SATISH KUMAR MITTAL)
JUDGE

September 08, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE