

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CM Nos.2588-89 of 2015 in/and
RA No.86 of 2015 in
CWP No.915 of 2006
Date of decision: 11.05.2015**

Shakuntala Goyal & others

....Applicant/Petitioners

Versus

Financial Commissioner, Revenue, Punjab & others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE G.S.SANDHAWALIA**

Present: Mr.S.S.Rangi, Advocate, for the applicant/petitioners.

Mr.Jagmohan Bansal, Addl.A.G., Punjab.

G.S.Sandhawalia J.

CM No.2588 of 2015

Application for condonation of delay of 519 days in filing the review application, is allowed, in view of the averments made in the application, which are duly supported by an affidavit.

CM No.2589 of 2015

Application has been filed under Order 22 Rule 3 CPC, for impleading the LRs of Tarlochan Singh-petitioner No.9. It is stated in the application that the said petitioner expired on 07.09.2010, leaving behind his legal heirs, as mentioned in paragraph No.3 of the application. The application is duly supported by an affidavit of petitioner No.2.

Accordingly, the present application is allowed, subject to just exceptions. The amended memo of parties is taken on record. Office to tag the same at appropriate place.

CM stands disposed of.

RA No.86 of 2015

The present review application has been filed for reviewing the order dated 19.08.2013, whereby this Court disposed of the present writ petition, in

view of the statement of the counsel for the petitioners that the dispute stands covered by the ratio of the judgment of a Division Bench of this Court in CWP No.9517 of 2008 titled as *R.K.Suneja & another Vs. State of Haryana & others*, decided on 10.11.2008.

In the present review application, it has been mentioned that the counsel who had made the statement was neither appointed nor authorised to make statement on behalf of the petitioners and the counsel who had filed the writ petition was not present on the date of hearing. It is further averred that the order impugned is dated 29.12.2005, passed by the Financial Commissioner, Revenue, Punjab and vide the said order, MR Nos.18 & 19 of 2005 had been decided. The two other writ petitions bearing CWP No.913 of 2006 titled as *Hazur Singh Vs. State of Punjab etc.* and CWP No.943 of 2006 titled as *Sukhjit Kaur Vs. State of Punjab etc.*, challenging the same order, have been admitted and are still pending before this Court. The petitioners' interest was similar to the petitioners in the above said cases and thus, the order dated 19.08.2013 is liable to be recalled and the main case was liable to be heard with the said writ petitions.

Notice was issued to the non-applicants on 09.03.2015 and counsel for the State has put in appearance. The averments made in the review application have not been controverted.

In view of the fact that the statement was made by the counsel who was not authorised, it is apparent that the order dated 19.08.2013 is liable to be recalled as the authorised counsel for the petitioners was never heard on merits.

Accordingly, the present review application is allowed. The order dated 19.08.2013 is recalled and the main case is restored to its original number, to be heard along with CWP Nos.913 & 943 of 2006, as per Roster.

(S.J.Vazifdar)
Acting Chief Justice

(G.S.Sandhawalia)
Judge

11.05.2015
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