

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

**C.M. No. 12371-CWP of 2014 &
C.M. No. 12372-CWP of 2014 in
R.A. No. 530 of 2014 in
CWP No.12489 of 2013**

Date of decision : 17.03.2015

Ram Karan

....Petitioner

V/s

Financial Commissioner, Haryana & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ashwani Kumar Bura, Advocate for the applicant.

Mr. Vikas Malik, DAG Haryana.

Mr. Vineet Chaudhary, Advocate for respondent no. 2.

RAJAN GUPTA J.

**R.A. No. 530 of 2014 in
CWP No.12489 of 2013**

This is an application for review of order dated March 05, 2014 passed by this court.

Learned counsel for the applicant has merely reiterated the arguments addressed earlier. In the writ petition, petitioner had impugned order dated 05.09.2012 passed by Financial Commissioner, Haryana whereby he had appointed respondent-Rajbir Singh as Lambardar. Operative part of the order reads as follows:-

"I heard both the counsels and have seen through the record. Main contention made by the appellant at this state was that in the last six months Sh. Ram Karan has suffered a stroke as a result of which he is unable to walk about and perform normal functions. The counsel

for the petitioner also produced a letter signed by few people of the village to prove this point. He also asserted that the respondent should be called in the Court to verify this. Accordingly, the counsel for the respondent was asked to produce the respondent in the Court. The respondent appeared in the court after seeking his adjournment. From his physical status, it was clearly visible that he was a paralytic patient. Rather he was walking with lot of difficulty. Stroke had apparently affected his normal physical abilities. It was clear that he would not be able to perform duties of Lambardar which require physical movement including travelling and ability to converse fluently. Hence, keeping this unfortunate development in mind this appeal is accepted and Shri Rajbir Singh is made the Lambardar. "

On March 05, 2014, a statement was made before this court that petitioner had died during the pendency of petition. Thus, same had been rendered infructuous. This court accepted the plea and dismissed the writ petition. Petitioner, thereafter preferred *LPA No. 1150 of 2014*. Same was withdrawn with liberty to move the review application. I, however, find no ground to review the order dated March 05, 2014. Admittedly, petitioner has died. Counsel for the applicant seeks review of the order by impleading the son of petitioner as his legal representative. It is, however, not clear how son of the petitioner can pursue the matter. Law is well settled on the point that Lambardar cannot be appointed on the basis of hereditary claim. No fresh ground is made out for interference. Dismissed.

C.M. No. 12371-CWP of 2014

In view of order passed in the review application, instant

application is without any merit and is hereby dismissed.

C.M. No. 12372-CWP of 2014

As the review application is not being entertained, no order is required to be passed in this application.

March 17, 2015

Ajay

(RAJAN GUPTA)
JUDGE