

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

Civil Writ Petition No. 9394 of 1995

Date of Decision: 6.9.2016

Banarsi Dass

.....Petitioner

Vs.

Financial Commissioner, (revenue), Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : None for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the order dated 25.4.1995 passed by the Financial Commissioner, whereby he dismissed revision petition filed by the petitioner against mode of partition.

Notice of motion was issued by a Division Bench of this Court, vide order dated 7.7.1995, however, there was no interim order. The abovesaid was the reason that vide order dated 9.9.2015, this Court directed learned counsel for the State to verify the fact whether the petitioner was alive or not. Parties were also directed to come present before the Court.

In compliance of the order dated 9.9.2015, learned counsel for the State submits that he has received a written communication dated 3.12.2015 from Naib Tehsildar to the effect that Sh. Banarsi Dass-petitioner has since died on 3.7.1999. It has also been reported that respondent No.5-

Babu Ram, who was brother of the petitioner, has also since expired. After the death of the petitioner as well as contesting respondent No.5, mutation on the basis of inheritance has already been sanctioned in favour of their legal representatives, as per their respective shares in the land vide mutation No. 3906 dated 30.6.2001 and mutation No. 3941 dated 19.5.2002, which are attached with the abovesaid communication and shown to the court, during the course of hearing.

In view of the above, learned counsel for the State submits that present writ petition does not survive any further and the same may be disposed of, as having been rendered infructuous.

The abovesaid seems to be correct fact situation and that is why, nobody seems to be interested in pursuing this case.

In view of the above, present writ petition is disposed of, as having been rendered infructuous.

(RAMESHWAR SINGH MALIK)
JUDGE

6.9.2016

Ak Sharma

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No