

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

LPA No. 191 of 2016 (O&M)

DATE OF DECISION : 09.02.2016

M/s Amar Nath Vijay Kumar

.... APPELLANT

Versus

Financial Commissioner (Social Security), Punjab, Chandigarh and others

.... RESPONDENTS

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

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. G.S. Nagra, Advocate,
for the appellant.

* * *

SATISH KUMAR MITTAL, J.

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 30.10.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 25223 of 2013) filed by Rita Kapila and two others (respondents No.5, 6 and 7 herein) has been allowed setting aside the orders impugned by them and the matter has been remanded back to the Assistant Collector Ist Grade, Dasuya, to start the partition proceedings de-novo after associating the petitioners in the writ petition (respondents No.5 to 7 herein).

Learned counsel for the appellants argued that the partition proceedings were initiated in the year 1992 and earlier also, the matter was remanded by the revenue authorities as well as the High Court. In spite of

that, respondents No.5 to 7 did not turn up. But the fact remains that these respondents were not properly served, therefore, the learned Single Judge, while coming to the said conclusion, set aside the order and remanded the matter to the Assistant Collector Ist Grade, Dasuya, to start the partition proceedings de-novo.

Learned counsel states that he confines the prayer of the appellants to the extent that the impugned order of remand be upheld, but keeping in view the fact that the partition proceedings were initiated in the year 1992, the Assistant Collector Ist Grade, Dasuya, be directed to conclude the proceedings within a period of six months.

After hearing learned counsel for the appellants, we are of the opinion that the prayer made by learned counsel for the appellants is reasonable.

Consequently, the instant appeal is dismissed with modification in the impugned order to the extent that the Assistant Collector Ist Grade, Dasuya, is directed to conclude the partition proceedings within a period of six months from the date of receipt of a certified copy of this order, with liberty to seek extension of time from this court, after giving reasons for the same.

(SATISH KUMAR MITTAL)
JUDGE

February 09, 2016
ndj

(HARINDER SINGH SIDHU)
JUDGE