

CWP No.15873 of 2009

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

CWP No.15873 of 2009

Date of decision:28.03.2017

Bakhshish Kaur

... Petitioner

Vs.

Financial Commissioner Appeals-II, Punjab & others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. K.S.Cheema, Advocate
for the petitioner.

Ms. Lavanya Paul, AAG, Punjab.

Mr. Harsh Bungler, Advocate
for respondents No.5 and 6.

Mr. P.S.Punia, Advocate
for respondents No.7 to 11, 13, 18, 20 to 22.

AMIT RAWAL J. (Oral)

After arguing for some time, Mr. Harsh Bungler, learned counsel appearing on behalf of respondents No.5 and 6 has been very fair and honest to make request on the premise that since the petitioner has not been heard in the partition proceedings initiated by the respondents, the orders under challenge may be set aside by remanding the matter back to the Assistant Collector Ist Grade provided that application may be ordered to be decided within time line as the matter is quite old.

The aforementioned proposal of Mr. Harsh Bungler, Advocate has not been opposed by Mr. K.S.Cheema, Advocate.

Resultantly, the impugned orders are set aside. The partition proceedings are held to be de-novo. The matter is remitted back to the

Assistant Collector Ist Grade for deciding the matter afresh after affording 4-4 effective opportunities to each of the parties to put across their case and lead evidence, if any. Let this exercise be done within a period of 10 months from the date of receipt of certified copy of this order.

It has been brought to the notice of this Court that few of the co-sharers have died. Let necessary steps be taken to bring on record their legal representatives in order to avoid multifariousness of litigation.

As regards other co-sharers, who have not come to this Court, the Assistant Collector Ist Grade shall adhere strictly as per the provisions of Section 20 of the Punjab Land Revenue Act as applicable to Punjab.

The writ petition stands allowed in view of the aforementioned consensus.

All the parties through their counsel are directed to appear before the concerned Assistant Collector Ist Grade on 17.04.2017.

(AMIT RAWAL)
JUDGE

March 28, 2017
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No