

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

**CWP No.14232 of 2016 (O&M)
Date of Decision.23.01.2017**

Ram Singh and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

Present: Mr. Vipin Mahajan, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

C.M. No.719 of 2017

Application is allowed.

Exemption from filing certified copy of Annexure P-11 is granted and the true typed copies of zimni orders is taken on record as Annexure P-11.

CWP No.14232 of 2016

Notice of motion.

Mr. Yatinder Sharma, Addl. A.G., Punjab accepts notice for respondent No.1.

The contention of learned counsel appearing on behalf of the petitioner is that the restoration application in revision petition pending before the Financial Commissioner (Appeals) bearing Misc. No.169 of 2014 in ROR No.893 of 2008 was dismissed on 24.02.2016 as prior thereto, the matter was listed before another officer.

Originally, the revision petition was dismissed for default on 04.11.2009, which was restored on 07.04.2010. However, on 30.10.2014,

the case was again dismissed for default. Thereafter, the application was

moved on 03.11.2014 for recalling of the order dated 30.10.2014 and ordering for restoration of the revision petition but the same was also dismissed vide impugned order dated 24.02.2016 (Annexure P-10).

The aforementioned fact is evident from the zimini orders enclosed along with Civil Misc. Application No.719 of 2017 vide Annexure P-11. It is settled law that after the matter is received on transfer, the officer concerned is enjoined upon an obligation to issue notice to the parties. He further submits that the entire cause list on transfer was dismissed for default.

Instead of pondering upon the merits and demerits of the matter, I deem it appropriate that the order challenge should be set aside and the restoration application filed in civil revision bearing ROR No.893 of 2008 is required to be restored back as the Courts should not be so harsh in rejecting the application seeking restoration of the revision petition. The explanation given in the restoration application has not been adhered to. The matter was transferred from other officer vide order dated 07.01.2016 and the order passed thereafter on 08.02.2016 reads as under:-

“Vide order dated 07.01.2016 passed by the Financial Commissioner, Revenue, this case has been transferred to this court. Today is not the date fixed for hearing of the cases. The case is accordingly adjourned to 24.02.2016 for preliminary hearing. Both the parties be informed.”

Resultantly, the order dated 24.02.2016 is set aside and application dated 03.11.2014 (Annexure P-7) i.e. Misc. No.169 of 2014 in ROR No.893 of 2008 is restored to its original number. The Financial Commissioner (Appeals), Punjab is directed to adopt a pragmatic approach in restoring the revision petition and endeavour should be made to dispose

of the revision petition on merits as expeditiously as possible.

With the aforementioned observation, the writ petition stands allowed.

(AMIT RAWAL)
JUDGE

January 23, 2017
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No