

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

**CWP No.16511 of 2016
Date of decision:13.01.2017**

Kali Dass ... Petitioner
Vs.

Financial Commissioner, Revenue, Punjab
Civil Secretariat, Chandigarh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Ms. Neha Jain, Advocate, for
Mr. K.S.Dadwal, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner is aggrieved of the impugned orders, whereby, ROR No.773 of 2014 filed against the order dated 20.11.2008 has been dismissed on account of delay and laches, i.e., barred by law of limitation, i.e., 2128 days.

Ms. Neha Jain, learned counsel appearing on behalf of the petitioner submits that petitioner -Kali Dass son of Sh. Baisakhi Ram was never represented and had no knowledge of the partition proceedings. It is only other brother Shiv Ram son of Baisakhi Ram was represented. The order dated 20.11.2008 passed by the Commissioner, Jalandhar Division upholding the order of mode of partition was not in his knowledge which has seriously prejudiced the right and interest of the petitioner. After having acquired the knowledge, revision petition has been filed but the same has

been dismissed on the ground of limitation.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that against the order dated 20.11.2008, already another co-sharer of the petitioner, namely, Shiv Ram had filed ROR No.320 of 2009 before the Financial Commissioner, Revenue, Punjab but the same was dismissed on 22.11.2013. At the best, the petitioner could have joined the brother/co-sharer by challenging the aforementioned order.

In view of the fact that ROR No.320 of 2009 has been dismissed on 22.11.2013 and the said order has attained finality, therefore, no cause of action survives in the present writ petition. Even otherwise, nothing has been disclosed in the writ petition qua the consequential effect, i.e., passing of *sanad takshim*. The writ petition is wholly misconceived and devoid of merit.

Accordingly, the writ petition stands dismissed.

(AMIT RAWAL)
JUDGE

January 13, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No