

CWP No.19222 of 2017

[1]

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

**CWP No.19222 of 2017
Date of decision:07.09.2017**

Tirath Kaur and another ...Petitioners

Versus

State of Punjab and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sukhjit Singh, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

Respondents no.4 and 5 filed an application for partition of their joint khewat, in which the petitioners appeared before the Assistant Collector 1st Grade through their counsel Madan Gopal and the Assistant Collector 1st Grade passed the order of partition on 27.01.2016. The petitioners challenged that order before the Financial Commissioner after the delay of 301 days. The petitioners alleged that they have been wrongly proceeded against *ex-parte*. The Financial Commissioner found that the petitioners had appeared through their advocate, they had taken time for recording their statements but despite that they did not appear and, thus, their agitation that the partition proceedings have been carried out behind their back was not found to be correct. Consequently, the Financial Commissioner dismissed the revision, *inter alia*, on the grounds that neither the petitioners could point out any illegality in the order of the Assistant Collector 1st Grade nor could explain the delay in filing the revision petition as they were aware of the partition proceedings.

Counsel for the petitioners has tried to argue on the merits of the case without giving any reasonable explanation for not deliberately appearing before the Assistant Collector 1st Grade and also for not filing the revision petition in time before the Financial Commissioner.

Thus, keeping in view the fact that *Sanad Taqsim* has already been prepared and the process is on for the delivery of possession, I do not find any reason to interfere in this petition especially when the petitioners did not deliberately choose to appear before the Assistant Collector 1st Grade for recording of their statement(s).

Dismissed.

September 07, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No