

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 21792 of 2017
Date of decision : October 12, 2017

Davinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Amit Arora, Advocate
for the petitioner.

RAKESH KUMAR JAIN, J (oral).

The petitioner has a grievance that his application filed under Order 1 Rule 10 CPC, before the Financial Commissioner, has been rejected on the ground that he has entered into the shoes of his vendor.

In short, the private respondents filed an application for seeking partition of joint khewat in which the vendor of the petitioner was proceeded against ex-parte. The petitioner purchased the suit property by way of a registered sale deed during the pendency of the partition proceedings. He moved an application before the Financial Commissioner at the stage when the case was pending before the Financial Commissioner at the instance of some of the co-sharers who were proceeded against ex-parte because of preparation of Sanad Taksim. The said application was dismissed by the Financial Commissioner on the ground that the petitioner is a necessary party because he had entered into the shoes of his vendor who was a party in the partition proceedings and the petitioner could have purchased a share and not the specific Khasra Number.

There is no error in the order passed by the Financial Commissioner and thus the present writ petition is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

October 12, 2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No