

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 6364 of 2016
Date of decision : November 8, 2017

Raghbir Singh and another

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Sumit Sanghwan, Advocate
for the petitioners.

Mr. Ashok Muthreja, DAG., Haryana
for respondent Nos. 1 and 2.

None for respondent Nos. 3 to 6.

RAKESH KUMAR JAIN, J (oral).

The petitioners are aggrieved against the order passed by the Financial Commissioner on 9.2.2016 by which he has allowed the revision petition filed by the private respondents in a matter pertaining to partition of the joint khewat and remanded the matter back to the SDO(C)-cum-Collector for deciding the matter on merits after hearing the affected parties.

At the time of issuing notice in this case, operation of the impugned order dated 9.2.2016 was stayed by this Court. Thereafter the private respondents appeared through counsel. Today, the case has been called twice both in pre and post lunch session but counsel for the private respondents did not put in appearance, therefore, I decided to hear the case

on merits.

Learned counsel for the petitioner has submitted that the impugned order is non-speaking because no reason has been given by the Financial Commissioner for remanding the matter. He had only mentioned the contention of both the parties and then decided to remand the case.

Learned counsel for the State has failed to support the order of the Financial Commissioner because it is passed without recording any reason. Consequently, the present petition is hereby allowed. The order dated 9.2.2016 passed by the Financial Commissioner is set aside and the matter is remanded back to him to decide the same after hearing the parties and giving reasons. He is further directed to decide the *lis* between the parties as early as possible preferably within a period of one month from the date of appearance of the parties.

The parties are directed to appear before the Financial Commissioner on 4.12.2017.

(RAKESH KUMAR JAIN)
JUDGE

November 8, 2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No