

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

CWP No.3131 of 2017 (O&M)

Date of Decision: 11.08.2017

Nagina Singh

....Petitioner

Vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Ms.Surinder Kaur, Advocate, for the petitioner.

RAKESH KUMAR JAIN, J.

Respondents No.6 to 8 filed an application before Tehsildar-cum-AC IInd Grade, Gurdaspur against the petitioner for correction of khasra girdawri from crop Rabi 1990. The said application was allowed by the AC IInd Grade, Gurdaspur, as on spot inspection, cultivation of respondents No.6 to 8 was found. The order of AC IInd Grade, Gurdaspur dated 22.5.2000 was challenged in appeal before the Collector, Gurdaspur. The said appeal was allowed and the order of AC IInd Grade, Gurdaspur was set aside vide order dated 11.12.2002. Respondents No.6 to 8 challenged the order of the Collector, Gurdaspur before the Commissioner, Jalandhar Division, Jalandhar in appeal which was allowed by the Commissioner and the order of the AC IInd Grade, Gurdaspur was upheld. The petitioner then filed a revision before the Financial Commissioner, which was dismissed on 27.01.2016. The petitioner has thus filed the present

petition to challenge the orders of AC IInd Grade, Gurdaspur, Commissioner, Jalandhar Division, Jalandhar and the Financial Commissioner.

Learned counsel for the petitioner has submitted that the Financial Commissioner has committed an error in dismissing the petition in the absence of the petitioner and that proper opportunity was not granted.

I have heard learned counsel for the petitioner and perused the available record.

The Financial Commissioner has specifically recorded in his order that the revision petition filed by the petitioner was dismissed in default on 18.8.2010 and prior thereto four adjournments were sought by the petitioner. However, the revision petition was restored on 18.10.2012. On 1.8.2013, the petitioner sought adjournment and again the case was dismissed in default on 30.10.2014. It was also recorded in the order that the revision petition was filed in the year 2007 against the order of the Commissioner dated 14.10.2005 after a delay of 431 days and even restoration application was also filed after a delay of 61 days. Even on 27.1.2016, when the impugned order was passed, the petitioner was not present and thus, the Financial Commissioner dismissed the revision petition. I have not found any error in the approach of the Financial Commissioner in dismissing the revision petition filed by the petitioner, who was not pursuing his remedy of revision sincerely and seriously inasmuch as the revision petition was filed after a delay of 431 days. Initially it was dismissed for non-prosecution on 18.8.2010 after the petitioner already obtained four adjournments. However, it was restored on 18.10.2012 and then again on 30.10.2014 it was dismissed in default and the restoration application was filed after a delay of 61 days and to pursue the said application, the petitioner was not present when the impugned order was

passed. In such circumstances, there is hardly any reason for this Court to interfere in this petition and as such the same is hereby dismissed.

11.08.2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*