

CWP No.9754 of 2017 (O&M)

Manoj Kumar
#1# 2017.12.18 10:47
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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANAAT CHANDIGARH**

**CWP No.9754 of 2017 (O&M)
Date of Order: 15.12.2017**

Gulshan Masih

....Petitioner

Versus

State of Punjab & Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present : Mr. Gagandeep Singh, Advocate for
Mr. A.S. Manaise, Advocate for the petitioner.
Mr. Abhyapal Singh Gill, AAG, Punjab.
Mr. M.S. Longia, Advocate for respondent No.2..

RAKESH KUMAR JAIN, J (ORAL)

Learned counsel for respondent No.2 has submitted that
respondent No.2 is the only contesting party.

Heard learned counsel for the parties.

It is apparent from the impugned order dated 11.01.2017 passed
by the Financial Commissioner that the revision petition has been dismissed
for non-prosecution only on the ground that the petitioner had failed to
serve respondent Nos.20-22.

Learned counsel for the petitioner has submitted that
respondent Nos.20-22 are not the contesting respondents, therefore even if
they are not served, the complexion of the revision petition would not have
been changed as the contesting respondent is Geza Singh son of Hazara
Singh who is being represented today by his counsel. It is also submitted
that the other respondents are not required to be served because they have
entered into a compromise with them.

The argument raised by learned counsel for the petitioner is not contended by counsel for respondent No.2 who has also submitted that service upon respondent Nos.20-22 was not necessary as they were proforma respondents and on this ground, the revision petition should not have been dismissed.

Be that as it may, keeping in view the facts and circumstances of this case, present petition is allowed and the impugned order dated 11.01.2017 passed by the Financial Commissioner is set aside. The matter is remanded back to the Financial Commissioner to decide the lis between the parties after giving opportunities to both the sides.

It is needless to mention here that the Financial Commissioner shall pass a speaking order and try to decide the revision petition expeditiously preferably within a period of three months from today.

The parties are directed to appear before the Financial Commissioner (Appeals), Punjab on 22.1.2018.

The parties shall maintain status quo until their appearance is caused before the Financial Commissioner.

December 15, 2017
manoj

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No