

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

LPA No.2041 of 2016

Date of Decision : 13.01.2017

Rattan Singh

....Appellant

Versus

Financial Commissioner Revenue,
Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

...

Present: Mr. Vijay Lath, Advocate
for the appellant.

...

MAHESH GROVER, J.

This appeal is directed against the judgment of the learned Single Judge dated 21.09.2016 vide which the orders of the revenue authorities under which the partition proceedings which were initially adjourned sine die by the Asstt. Collector to await the decision of the civil suit were directed to be revived in view of the dismissal of the civil suit.

Learned counsel for the appellant contends that since an appeal has been preferred against the judgment of the civil court, the partition proceedings should be kept in abeyance. Apart from this, it is contended that as many as seven partition applications were filed but revision petition was preferred by the private respondents only against one order and this would imply that the orders passed in the remaining six partition applications would remain intact.

After hearing the learned counsel for the appellant, we are of the opinion that there is absolutely no error committed by the learned Single Judge in upholding the orders of the Commissioner and Financial Commissioner directing revival of the partition proceedings before the Assistant Collector in the wake of the dismissal of the civil suit pending inter se between the parties. A perusal of the plaint would indicate that the appellant is in possession and obviously wants to perpetuate the same by pleading an oral family settlement. The delay naturally is conducive to his cause.

Since the civil suit stands dismissed, the Asstt. Collector would have the authority to continue with the partition proceedings unfettered. The plea that only one revision petition was preferred even though seven applications were filed would also be inconsequential in view of the order passed by the revisional authority which merely seeks to revive the proceedings and it would be absurd to say that partition inter se between the parties would be confined only to the property or the interest manifested in one revision petition while ignoring the others.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

13.01.2017
dss

(SHEKHER DHAWAN)
JUDGE

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