

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

**LPA No.1851 of 2017 (O&M) in
CWP No.11899 of 2013
Date of Decision:- 5.12.2017**

Sukhjinder Singh and others

... Appellants

Versus

Financial Commissioner and others

... Respondents

**CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurminder Singh Gill**

Present:- Mr. Abhilaksh Grover, Advocate, for the appellants.

Rajesh Bindal, J.

Present Letter Patents Appeal has been filed against the order passed by learned Single Judge whereby order passed by the Financial Commissioner was upheld. Further appeal is accompanied by an application seeking condonation of 138 days' delay in filing thereof.

The dispute pertains to the partition of land. The parties are related to each other. When the partition proceedings were initiated, it has been so recorded by the Assistant Collector Ist Grade, Jalandhar in order dated October 30, 2000 that the respondents therein namely, some of the appellants before this Court had refused to receive notices. Substituted service through munadi was effected. Mode of partition was prepared to which objections were also invited. Land was partitioned vide order dated

October 30, 2000 after the mode of partition and objections filed by the parties were considered. The order was upheld in appeal by the Collector, Jalandhar vide order dated 29.10.2002. The order was further challenged before the Commissioner, who also upheld the same vide order dated 31.3.2005. Remedy of revision before the Financial Commissioner was also availed of where also the order passed by the lower authorities was upheld vide order dated September 16, 2005 recording that the partition proceedings have concluded, *Sanad Takseem* has also been prepared and even possession has been delivered to the respective share holders. The order was challenged before this Court in CWP No.10154 of 2006 and the matter was remanded back to the Financial Commissioner vide order dated 26.5.2010. Thereafter, the Financial Commissioner dismissed the ROR vide order dated 23.10.2012. The aforesaid order was challenged by filing the writ petition which has been dismissed vide impugned order. All the contentions raised by learned counsel for the appellants here regarding the possible objections which could be taken by them to the partition proceedings have been considered. Even from the *naqsha* produced on record, it is clear that the land owned by both the parties have excess to their share of land. Other modalities must have been examined by the authorities below.

This Court do not find any reason to interfere in the matter at this stage, once the entire process has already been completed and the parties are in possession of their respective shares. There is no error in the order passed by the learned Single Judge.

The appeal as well as application for condonation of 138 days'

delay in filing the appeal are accordingly dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

December 5, 2017

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Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No