

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

CWP No.10423 of 2018

Date of Decision: 27.04.2018

Mohinder Singh

....Petitioner

Versus

Financial Commissioner Revenue, Punjab
and others

...Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Rai Singh Chauhan, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

Petitioner was in possession of the suit property, which is clear from judgment of Civil Court dated 17.11.1995 and the said suit for permanent injunction restraining the defendants from interfering into the peaceful possession of the petitioner was decreed.

Learned counsel for the petitioner submits that thereafter, no appeal was filed against the judgment and decree passed by the Civil Court. Learned counsel further submits that while passing the order by the Financial Commissioner, a direction has been issued to the Chief Sales Commissioner to probe into the matter and pass a speaking order after hearing the parties and perusal of relevant documents. Learned counsel further submits that the petitioner is also a necessary party but a direction has not been issued to hear him, whereas, he is required to be heard.

Petitioner would be satisfied, in case, the directions are issued to hear the

petitioner also while looking into the matter by the Chief Sales Commissioner.

Keeping in view the limited prayer of the petitioner and in pursuance of directions issued by the Financial Commissioner Revenue on 29.11.2017, the present petition is disposed of with a direction to Chief Sales Commissioner to hear the version of the petitioner while probing into the matter. Before passing a speaking order, in case, the petitioner is able to show any document to his right over the property in dispute, the same be considered. The order passed by the Financial Commissioner is modified to that extent.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

27.04.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No