

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

**CWP No.24176 of 2014
Decided on : 28.08.2018**

Jitender Kumar and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: None for the petitioners.

Mr. Shivendra Swaroop, AAG, Haryana.

Mr. Parminder Singh, Advocate
for respondents No.5 to 8.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Article 226/227 of the Constitution of India is to the partition proceedings. The interim order was passed on 27.11.2014 in favour of the petitioners.

In the reply filed by respondents No.5 to 8, the stance taken is that possession already stands delivered and the execution stands satisfied. The relevant portion of the reply reads as under:-

“3. That in a partition proceedings, only the exchange of possession of the land about 2 kanals is to be effected and prior to the hearing of the present writ petition, the possession has already delivered and the execution application has stands satisfied. The finality of the partition proceedings has also been entered by way of mutation, showing the share of each kurra holders. Copy of the possession proceedings dated 24.11.2014 is annexed herewith as Annexure R-5/2.”

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On 29.08.2017, the following order was passed:-

*“Counsel, who had filed this petition has been elevated
as a Judge of this Court. Let notice be issued to the petitioners
for 09.02.2018.*

*Registry is directed to inform the petitioners so that they
may make an alternate arrangement.”*

As per the report of the office notices issued to the petitioners have been received back served. None has put in appearance, in spite of service.

It is, thus, apparent that the petitioners have lost interest in the litigation, on account of the fact that possession has already changed hands in view of the partition proceedings.

Accordingly, the present writ petition is dismissed for want of prosecution.

AUGUST 28, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No