

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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CWP No. 18453 of 2018

Date of decision: 27.07.2018

Kuldip Singh and others

...PETITIONERS

VS.

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashok Bector, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J.(ORAL)

Petitioners have approached this Court challenging the order dated 14.01.2008 (Annexure P-1) passed by the Assistant Collector Ist Grade, Fatehgarh Sahib, vide which the partition has been carried out and the order dated 03.03.2017 (Annexure P-3) passed by the Financial Commissioner, Punjab, vide which the order passed by the Divisional Commissioner on an appeal preferred by the petitioners, whereby the partition case was remanded back to the Assistant Collector Ist Grade, Fatehgarh Sahib for fresh decision on hearing both the parties, has been set aside.

It is the contention of the learned counsel for the petitioners that the petitioners were never served before the Assistant Collector Ist Grade, Fatehgarh Sahib and because of non-serving of the summons on the petitioners, they could not participate in the partition proceedings and an ex-

parte order was passed by the Assistant Collector Ist Grade, Fatehgarh Sahib, which was challenged by the petitioners by filing an appeal before the Divisional Commissioner, Patiala, which was allowed on 28.02.2012 (Annexure P-4), whereby it was held that the petitioners should be heard and on hearing the parties, fresh order be passed by the Assistant Collector Ist Grade, Fatehgarh Sahib. This order was challenged before the Financial Commissioner, Punjab by way of a revision petition, wherein again, the petitioners were not served and an ex-parte order has been passed setting aside the well reasoned order passed by the Divisional Commissioner, Patiala Division, Patiala dated 28.02.2012. He contends that the order dated 03.03.2017 passed by the Financial Commissioner, Punjab, cannot be sustained and deserves to be set aside.

I have considered the submissions made by the learned counsel for the petitioners and have gone through the impugned order dated 14.01.2008 (Annexure P-1) passed by the Assistant Collector Ist Grade, Fatehgarh Sahib and order dated 03.03.2017 (Annexure P-3) passed by the Financial Commissioner, Punjab.

I have considered the matter at length and keeping in view the factual position, as has been culled out in para-9 of order dated 03.03.2017 passed by the Financial Commissioner, Punjab, wherein on perusal of the record of the Assistant Collector Ist Grade, Fatehgarh Sahib, it appears that the summons, as issued to the petitioners by the Assistant Collector Ist Grade, Fatehgarh Sahib, were refused resulting in the proceedings against the petitioners ex-parte. That apart, the order, which has been passed regarding partition of the land of the petitioners, does not call for any interference by this Court. In the revision petition also, the petitioners,

despite they having been served, had chosen not to appear and contest the revision petition. It appears that the intent and purpose on the part of the petitioners was and is to delay the partition proceedings and nothing else.

Finding no merit in the present petition, the same stands dismissed.

**(AUGUSTINE GEORGE MAISH)
JUDGE**

July 27, 2018

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No