

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 105

LPA No. 229 of 2017 (O&M)
in CWP No. 7370 of 2010
Date of decision : 10.05.2018

Kashmir Singh

..... Appellant

VERSUS

Financial Commissioner (Revenue),
Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the appellant.

. . . .

RAJESH BINDAL, J:

Order dated 05.04.2016, passed by the learned Single Judge, dismissing the appellant's writ petition has been impugned by filing the present intra-court appeal. Alongwith the appeal, applications seeking condonation of delay of 115 days in re-filing and 72 days in filing the appeal have also been filed.

Ever since the appeal has been filed, the same has been got adjourned four times on request of proxy counsel on behalf of counsel for the appellant who himself has never appeared in Court. Today also, an adjournment slip was filed stating therein the following reason: -

“Mother of counsel for the petitioner is not well and undergone knee surgery and nobody is to look after her and unable to come. Kindly adjourn the matter to some other date.”

As the reason mentioned in the adjournment slip was such, even in the absence of any counsel to press for an adjournment, we had adjourned the case at the first call for 21.08.2018. However, after the case had been adjourned, counsel for the appellant came in Court which

establishes the fact that the reason mentioned in the adjournment slip was wrong or that the counsel was in a position to attend hearing of the case. The Bench Secretary was requested to contact the counsel on his mobile number. On inquiry, he informed that counsel for the appellant was busy in arguing a case before another Court and that he would later attend this Court. This fact fortifies that the reason assigned for seeking adjournment was totally false.

Hence, we have again taken up the matter.

The subject matter in dispute pertains to the appointment of Lambardar of village Patti Ghuman. The learned Single Judge after thoroughly examining the matter found that the Financial Commissioner had specifically recorded that the writ petitioner/appellant did not belong to that village as he was a resident of village Kaler Patti. Even otherwise, the person who was appointed as Lamberdar had a preferential right being the son of deceased Lambardar.

There is no error in the order passed by the learned Single Judge. Accordingly, the appeal is dismissed. Consequently, the applications for condonation of delay in refiling and filing the appeal are also dismissed.

[RAJESH BINDAL]
JUDGE

10.05.2018
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[DEEPAK SIBAL]
JUDGE