

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

**RSA No.3983 of 2016 (O&M)
Date of Decision.22.11.2018**

Pritam Singh

...Appellant

Vs

Financial Commissioner (Revenue & Rehabilitation), Punjab and
others ...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Onkar Rai, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

C.M. No.10282-C of 2016

For the reasons stated in the application, delay of 46 days
in re-filing of the appeal is condoned.

Application is allowed.

C.M. No.10283-C of 2016

For the reasons stated in the application, delay of 5 days
in filing of the appeal is condoned.

Application is allowed.

RSA No.3983 of 2016

Concededly, the appellant-plaintiff had assailed order of
the authorities dated 07.11.1988, 18.12.1985, 18.03.1985 and
26.2.1983, 17.03.1986, 11.04.1989 in the proceedings which were
initiated by Kewal Singh, the earlier allottee of land measuring 77
kanals 11 marlas, which according to the plaintiff, were quashed, as
the plaintiff derived interest in the aforementioned property in an
auction held in 1977 but was not successful in defending the

litigation initiated by Kewal Singh, first allottee.

The preliminary issue in pursuance to the objection has been decided against the appellant-plaintiff vis-a-vis jurisdiction of the Civil Court. The appeal was dismissed in default and in such process, almost 15 years gone by, resulting into judgment and decree of the lower Appellate court in 2015.

Confronted with the Full Bench of this Court rendered in *State of Haryana and others Vs. Vinod Kumar and others 1987 R.R.R. 81*, learned counsel for the appellant has not been able to cite any judgment except single bench judgment of this Court rendered in *Mukand Singh and others Vs. Smt. Nirmal Sharma and others 2013 (22) RCR (Civil) 650* and *Soran Singh alias Swaran Singh Vs. Mehta Sita Ram 1984 PLJ 570*.

I am of the view that in such circumstances, the orders could have been assailed only by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. No ground for interference is made out. However, this would not bar the appellant to avail the remedy, if permissible in law.

The appeal stands disposed of in above terms.

(AMIT RAWAL)
JUDGE

November 22, 2018
Pankaj*

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No