

\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5624/2015 & CM 10138/2015**

BHARAT SINGH & ANR

..... Petitioners

Through Ms Pooja Wason, Advocate.

versus

GOVERNMENT OF NCT OF DELHI & ANR Respondents

Through Mr Satyakam, ASC, GNCTD.

Mr Sanjiv K. Jha and Mr Vikash Kumar,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

09.07.2018

1. The petitioner has filed the present petition impugning the order dated 19.03.2015, whereby the Revision Petition preferred by the petitioner (being Case No. 470/2011 captioned *Sh Bharat Singh and Anr. v. Dalip Singh and Anr.*) was dismissed for want of prosecution, by the Financial Commissioner.
2. A plain reading of the order indicates that on that date – 19.03.2015 – the proxy counsel for the petitioner was present and had filed written submissions. However, the Financial Commissioner disregarded the same and observed that the petitioners had failed to comply with the directions issued on dated 17.07.2012. Perusal of the order dated 17.07.2012 indicates that the Financial Commissioner had called upon the petitioner to make submissions with regard to the maintainability of the Revision Petition. It appears that the Financial Commissioner was of the view that the order dated 06.09.2011 (the order against which the Revision petition was

preferred) was an interim order and, therefore, could not be assailed by way of the Revision Petition.

3. It appears that the written submissions filed on behalf of the petitioner also include the petitioner's contentions with regard to the maintainability of the revision petition; however, as stated above, the same were ignored.

4. In view of the above, the impugned order cannot be sustained. The record reveals that the proxy counsel for the petitioner was present and had submitted the written submissions in support of the revision petition. The Financial Commissioner was required to consider the same. He could either reject the same or accept it; however, he could not come to the conclusion that the revision petition deserves to be rejected for want of prosecution.

5. In view of the above, the impugned order is set aside and the matter is remanded to the Financial Commissioner to consider it afresh. The Financial Commissioner shall list the matter for hearing after giving due notice to both the parties. No request for an adjournment will be entertained by him on the date so fixed.

6. It is further clarified that nothing stated in this order shall be construed as an expression of opinion on the merits of the disputes between the parties.

7. The petition is disposed of in the above terms.

8. Order *dasti*.

VIBHU BAKHRU, J

JULY 09, 2018/pkv