

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1107 of 2019 (O&M)
Date of Decision :24.05.2019

Sawinder Singh

.....Appellant

Versus

Financial Commissioner, Revenue Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. P.S.Jammu, Advocate for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the Letters Patent, is directed against the judgment and order dated 31.01.2019, passed by the learned Single Judge, dismissing the writ petition filed by the appellant herein.

Appellant-petitioner has approached this Court challenging the order passed by the authorities below arising out of the proceedings of partition of the holding. The case set up by the appellant-petitioner in the writ petition was that while passing the order of the partition which indisputably has been upheld by all the authorities they had failed to take into consideration the fact that the possession of the parties has been disturbed. His further contention was that the orders passed by the authorities below are based upon a compromise which has never been entered into between the co-sharers, and, therefore, the partition, as ordered,

cannot sustain.

Learned Single Judge after going through the records of the case returned a finding that the case set up by the appellant-petitioner there was no compromise between the parties could not be accepted. We have also gone through the judgment of the authorities below. The revisional Court in its order dated 17.08.2016, has recorded a clear finding that the parties appeared before the Assistant Collector Grade-I, Amritsar-II and on 9.3.2011 a written compromise was effected between them in the presence of Sarpanch, Member Panchayat, the appellant-petitioner along with respondent No.5-Balwinder Singh and other respondents and other respectable persons of the village. It further records that the compromise is at Page 21 of the Assistant Collector file, and on the basis of that compromise, learned Assistant Collector Grade-I, Amritsar-II partitioned the land vide order dated 29.04.2011. The revisional Court has further held that the once the parties entered into a compromise, which formed basis of the partition of the holding, the appellant petitioner has no *locus standi* to file the revision petition. A review of the said order was filed by the appellant-petitioner, wherein, again the same findings have been reaffirmed. Even during the course of the argument learned counsel appearing for the appellant-petitioner has not denied the facts that he was signatory to the compromise.

In view of the facts and discussion we are also of the considered view that the proceedings initiated at the behest of the appellant who was signatory of the compromise was not maintainable and has rightly

been dismissed by all authorities below as well as by the learned Single Judge.

In view of the aforesaid facts and discussion, the impugned order accordingly does not call for any interference, the appeal being devoid of merit and stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.05.2019

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No