

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

LPA No. 1236 of 2019(O&M)

Date of Decision: 27.08.2019

Harbhajan Singh and another

.....Appellants

versus

Financial Commissioner (Revenue) Haryana and othersRespondents

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

Present : Mr. P.K.Ganga, Advocate, for the appellants.
Mr. Jagdish Manchanda, Advocate
for the caveator-respondent No.5

KRISHNA MURARI, CHIEF JUSTICE (oral)

This intra court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 10.04.2019 passed by the learned Single Judge dismissing the writ petition filed by the appellants herein challenging the orders passed by the authorities below in partition proceedings. The Assistant Collector Ist Grade vide order dated 12.04.2007 accepted the amended Naksha-Bay and accordingly ordered partition which was put to challenge by filing an appeal which was dismissed by the Appellate Authority against which a revision was preferred before the Court of Commissioner, Ambala Division, which also came to be dismissed.

2. Aggrieved by the same, the appellant-petitioner approached the Financial Commissioner who also dismissed the proceedings. All the orders were put to challenge in the writ petition. The learned Single Judge summoned the original record and after going through it found that the assertion made by learned counsel for the appellants-petitioners was incorrect and they have been allotted shares as per their entitlement and

proportionate share has been given to all the share holders on the road and dismissed the writ petition. It may be relevant to extract the following from the judgment of the learned Single Judge:-

“In Compliance with the order dated 03.04.2019, original records of the partition proceedings have been produced by the counsel for the State, which has been gone into by the Court, wherein, the assertion of the counsel for the petitioners is found to be incorrect, rather it has been found that the share which has been given to the petitioners is as per their entitlement and proportionate share has been given to all the share holders on the road.

In view of the above, this Court does not find any illegality in the orders which have been impugned by the petitioners in the present writ petition. The writ petition, therefore, stands dismissed.”

Thus it is apparent that the claim and assertion made by the appellants-petitioners was discarded all the stages. Learned Single Judge also recorded a satisfaction after examining the original record that the appellants-petitioners have been allotted share as per their entitlement and all the share holders have been given their proportionate share on the road.

In view of the above facts and discussion, no interference is warranted in the impugned order. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

27.08.2019
ravinder

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