

LPA no.627 of 2017 (O&M) 1

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

**LPA no.627 of 2017 (O&M)
Date of Decision : 15.03.2019**

Mehnga Singh and another

....Appellant(s)

Versus

Financial Commissioner (Appeals-1) Punjab and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE B.S.WALIA**

Present : Mr.G.L.Bajaj, Advocate for the appellant(s)

MAHESH GROVER, J.(ORAL)

CM no.805-LPA-2019

This is an application for restoration of the appeal which was dismissed for want of prosecution after this Court noticed in its order repeated adjournments that were being sought to argue the matter even though the matter was pending since 2017.

We have heard learned counsel for the applicants-appellants who has pleaded his inability to argue the matter on account of his medical condition. We, therefore, condone the lapse and allow the instant application. Consequently, order dated 14.1.2019 is recalled and the appeal is restored to its original number.

Main case

Learned counsel for the appellants is permitted to make his

submissions on merit.

Order dated 2.12.2016 passed by the learned Single Judge is in question before us in the present appeal. The controversy revolves around the partition inter se between the co-sharers. Learned Single Judge extensively noticed the order passed by the Financial Commissioner to observe that learned counsel representing the writ petitioner was unable to point out any deficiency in procedure or perversity in the effected partition.

After hearing learned counsel for the appellants, we are of the opinion that the impugned judgment does not warrant any interference as the appellants have failed to show any prejudice in this regard. No procedural error leading to the final partition has been shown. Financial Commissioner noticed that the appellant has already been granted 24 karams on the front side whereas other co-sharers have been provided with 13 karams on the front side. This was construed to be an adequate compensation to the appellants. Finding no error of jurisdiction or infirmity in the procedure, we decline interference. Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

15.03.2019
rekha

(B.S.Walia)
Judge

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