

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

**114**

**C.W.P. No.1744 of 2020**

**Date of Decision:- 23.01.2020**

***Gurcharan Lal***

....Petitioner

vs.

***Amar Singh and others***

....Respondents

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**BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL**

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Present:- Mr. Baljinder Singh, Advocate,  
for the petitioner.

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**Sudhir Mittal, J. (Oral)**

The petitioner had filed an application for partition on 19.3.2001. Thereafter, on 29.3.2005, he got a statement recorded that land be partitioned in accordance with the value thereof and keeping in view the respective possession. Accordingly, mode of partition dated 17.4.2006 was approved.

Learned counsel for the petitioner submits that '*Naksha Bey*' prepared thereafter gave one separate tuck to the private respondents and a separate tuck to the petitioner. However, the tuck given to the petitioner was of poorer quality of land and thus, the said *Naksha* was contrary to the mode of partition.

On being asked whether any objection was raised thereafter, learned counsel for the petitioner submits that the petitioner failed to raise any objection.

Consequently, *sanad takshim* was prepared on 22.12.2008. The same was challenged in appeal and revision but without success. A second

revision petition was filed before the learned Financial Commissioner which came to be dismissed on 20.9.2016.

Regarding the delay in filing the writ petition, learned counsel for the petitioner places the blame on the counsel representing the petitioner before the learned Financial Commissioner.

Assuming that the learned counsel for the petitioner appearing before the learned Financial Commissioner is to blame, a duty was cast upon the petitioner also to enquire about the pending proceedings periodically. He has not done so. Moreover, he has also not filed objections against the '*Naksha bey*' even though the same was contrary to the mode of partition.

Thus, it is apparent that the petitioner is an easy going character who is not vigilant about his rights. Therefore, he cannot get any relief from the Court of Equity.

The writ petition has no merit and is dismissed accordingly.

**January 23, 2020**  
**poonam**

**( SUDHIR MITTAL)**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes**

**Whether Reportable**

**No**