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

CWP-1275-2020 (O&M)
Date of decision: 18.11.2020

Sukhwinder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Baldev Singh Dhillon, Advocate for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

Mr. Sandeep Siwach, Advocate for respondent No.4.

Mr. Vikram Singh, Advocate for respondent No.5.

ANIL KSHETARPAL, J. (ORAL)

With the consent of learned counsel for the parties, the main case is taken on Board today itself.

The present writ petition has been filed for issuance of direction to the respondents to take time bound action on the application dated 23.07.2018 filed by the petitioner for execution of a decree of partition.

During the pendency of the present writ petition, Jarnail Singh son of Kanhaiya Singh, has filed the application for impleadment.

It has been brought to the notice of the Court that Jarnail Singh filed CWP-19191-2020 which was disposed of on 11.11.2020 with following the order:-

“The grievance of the petitioner is that he was not heard at the time of partition of the land of which he is a co-sharer. His challenge to the partition proceedings has been rejected

by some of the authorities and now, revision is pending before the Financial Commissioner. Warrant of possession dated 4.11.2020 (Annexure P-7) has been issued, but the learned Financial Commissioner is not deciding the stay matter. The revision is now listed for 13.1.2021. If, the petitioner is dispossessed, his revision would be rendered infructuous.

Notice of motion to respondents No.1 to 4 only.

Mr. Sanjay Mittal, Addl. AG, Haryana, accepts notice and waives service.

In view of the nature of the order being passed, there is no necessity to serve the private respondents or to direct the official respondents to file a written statement.

The petition is disposed of with a direction to the concerned Financial Commissioner before whom the revision is pending to decide the stay matter expeditiously and in any case, not later than six weeks from the date of receipt of certified copy of this order after notice to the respondents, therein. Till the stay matter is decided, the petitioner shall not be dispossessed.”

Since, there is an interim protection granted to Jarnail Singh and a revision petition filed by him is pending before the Financial Commissioner, therefore, this writ petition is disposed of at this stage granting liberty to the petitioner to file fresh one after application for stay or the revision is decided.

All the pending miscellaneous applications, if any, are disposed of in view of the abovesaid judgment.

18.11.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No