

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

Sr. No.214

**CWP No.16341 of 2017
DECIDED ON: January 21, 2020**

KULDEEP SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Benti Kaur, Advocate for
Mr. Kawaljyot Singh, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G., Punjab with
Ms. Sakshi Bakshi, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner has filed this writ petition as a partition application filed by him in the year 2009 is not being proceeded with.

2. Learned counsel for the petitioner submits that a partition application was filed in the year 2009 but no action was taken thereupon and in fact the file has been misplaced by the concerned authorities because one of the co-sharers is a member of the Legislative Assembly of Punjab and he is not interested in partition. Since the file of the petition filed in the year 2009 could not be traced, another application dated 03.02.2016 (Annexure P-3) was filed. Some orders have been passed thereupon in the year 2017 but no further proceedings are being taken.

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3. Learned State counsel submits that the partition application dated 03.02.2016 has been dismissed in default on 07.09.2017. This fact has been concealed from the Court.

4. This writ petition is dated 24.07.2017 and was put up for motion hearing on 26.07.2017. Thus, the order dismissing the partition application in default has been passed during the pendency of the writ petition. Thus, it cannot be said that the petitioner has concealed facts from the Court.

5. The petition is accordingly disposed of with a direction to the petitioner to seek recall of the order dated 07.09.2017 within 15 days from today. On receipt of such application, respondent No.2 shall recall the order dismissing the petition for non-prosecution. Thereafter, he is directed to proceed with the partition in accordance with law and conclude the proceedings within a period of one year.

January 21, 2020

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No