

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

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(PROCEEDINGS THROUGH V.C.)

LPA-479-2021 & CM-1194-LPA-2021

DATE OF DECISION: AUGUST 03, 2021

PHULI DEVI & ORS

.....Appellants

VERSUS

FINANCIAL COMMISSIONER HARYANA & ORS

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Surinder Garg &
Mr. Lalit Chander, Advocates,
for the appellants.

Mr. Raman Sharma, Addl.A.G., Haryana,
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This intra-Court appeal has been filed against an order dated 19.02.2020 passed by learned Single Judge, whereby Civil Writ Petition No.4556 of 2016 (Phuli Devi and others Vs. Financial Commissioner, Haryana, Chandigarh and others) preferred by the appellants was dismissed in the light of the fact that there has been no settlement between the parties as the mediation proceedings have failed.

Learned counsel for the appellants asserts that although notice of motion order dated 17.03.2016 passed by learned Single Judge limits the extent for exploring possibility of settlement between the parties but that

does not mean that the matter could not be agitated on merits, especially in the light of the fact that the Court, while issuing notice, has not dealt with the merit of the matter. The objection, which the petitioners (appellants herein) has raised against the order passed by the Financial Commissioner, Haryana, in the revision petition preferred by the private respondents, regarding the cause of the appellants, while deciding the writ petition, finally could not be restricted to the aspect of compromise/settlement. He, thus, contends that the order dated 19.02.2020 passed by the learned Single Judge cannot sustain and deserves to be set-aside.

We have considered the submissions made by learned counsel for the appellants and with his assistance have gone through the impugned order.

Order dated 17.03.2016, vide which notice of motion was issued by learned Single Judge, reads as under:-

“ *Notice of motion for 30.3.2016 only to the limited extent for exploring the possibility of settlement between the parties. Dasti only.* ”

A perusal of the said order would leave no manner of doubt that after the arguments of counsel for the petitioners (appellants herein), notice of motion was issued to that limited extent of exploring the possibility of settlement between the parties by specifically mentioning the word “only”. This clearly shows that the Court had not agreed with the submissions of the counsel raised on merits. Pursuant thereto, the parties were referred to the Mediation and Conciliation Centre of this Court. As per the report of the Mediation and Conciliation Centre of this Court, the said proceedings failed. That being so, the learned Single Judge has rightly proceeded to

dismiss the writ petition as the scope of notice of motion issued by learned Single Judge was limited to that very extent of exploring the chances of settlement between the parties, which ultimately failed as per the report of the Mediation Centre.

We do not find any ground for interfering with the said order as in our considered view the merits could not be agitated at that stage when the matter was taken up for consideration.

The present appeal, therefore, stands dismissed.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**August 03, 2021
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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No