

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

CWP-22194-2021

Date of Decision:08.11.2021

Murti Devi

....Petitioner

VS

**Financial Commissioner, Haryana
Civil Secretariat and others**

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Mani Ram Verma, Advocate and
Mr. Nipun Verma, Advocate
for the petitioner

Mr. Abhimanyu Singh, Advocate
for respondent No.37/caveator

SUDHIR MITTAL, J. (Oral)

The petitioner is a party in partition proceedings. The said proceedings were ordered to be filed on 22.08.2013 as allegedly, there was a mistake in the revenue record and till the revenue record was corrected, further proceedings were not possible. Thereafter, respondent No.5 filed an application for correction of order dated 22.08.2013, whereby the case had been filed. The said order was corrected vide order dated 26.09.2013 without notice to any party. The correction made was that instead of filing the partition petition, it was directed to be adjourned sine die. Thereafter, the application dated 15.04.2014 was filed by respondent No.5 for revival of the case. Vide order dated 24.07.2014, the application was allowed and case was revived. The petitioner was proceeded against ex-parte as she had refused the summons. *Naksha kh* was sanctioned on 31.07.2014. Appeal against orders dated 24.07.2014 and 31.07.2014 has been dismissed. Revision has also failed.

Learned counsel for the petitioner has submitted that correction of order dated 22.08.2013 without issuance of notice to any of the parties was illegal.

Further, the order dated 24.07.2014 proceeding ex-parte against the petitioner also could not be sustained as it was a manipulated order. In fact, the petitioner was never served. *Naksha kh* was sanctioned within a week thereafter and this shows manipulation by the revenue authorities. Thus, the authorities below were in error in rejecting the prayer of the petitioner for setting aside the said orders.

So far as correction of order dated 22.08.2013 is concerned, instead of the case having been filed, it was ordered to be adjourned sine die. Since, the rights of the parties were not adversely affected thereby issuance of notice was not necessary. In fact, the case should have been adjourned sine die and should not have been filed as partition was to proceed after correction of the revenue record. Regarding the petitioner having been wrongly proceeded against ex-parte, the only argument raised is that the service report has been manipulated. How, it has been manipulated has not been pointed out. It has also not been shown that in fact the petitioner was not served. Under the circumstances, the Assistant Collector, 2nd Grade was justified in sanctioning the *naksha kh*.

For the aforementioned reasons, the impunged orders are upheld. The writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

08.11.2021
Poonam Negi

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No