

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

Sr. No.120

**Civil Writ Petition No.23898 of 2021
Date of Decision : November 25, 2021**

Manjit Singh

...Petitioner

Versus

Financial Commissioner Punjab (Appeals) Punjab and others ..Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S. D. Sharma, Senior Advocate with
Mr. Surinder Sharma, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The private respondent filed an application for partition of the property in dispute. The said application was dismissed in default. An application for restoration was filed and the partition application was restored. Thereafter, partition was completed and sanad was issued.

The case of the petitioner is that the partition application was restored without issuance of notice to the petitioner and without serving him. Thus, the completion of partition behind his back is illegal.

The sanad is under challenge in a revision petition filed before respondent No.1. The next date of hearing is 12.01.2022. Meanwhile, a number of dates have given by him, but the revision petition could not be taken up for hearing as the concerned Financial Commissioner did not hold Court.

In view of the above, I deem it appropriate to issue notice of motion to respondent No.1 only.

Mr. Hittan Nehra, Addl. A.G., Punjab accepts notice and waives service.

Considering the nature of the order being passed, no reply is necessary.

The petition is disposed of with a direction to respondent No.1 to take up the pending ROR on the next date of hearing i.e. 12.01.2022 along with the stay application. Till the decision of the stay application, parties are directed to maintain status quo.

November 25, 2021
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No