

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

Sr. No.105

**CWP-20887-2021 (O&M)
Date of decision : 12.09.2022**

Madan Lal

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rakesh Sobti, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

A *sanad* was issued during the course of partition proceedings on 14.07.2003. The petitioner, allegedly, was not aware of the said decision as he was admitted in hospital. Appeal was filed on 14.07.2008 and was dismissed on 26.03.2009. This order was challenged before the Commissioner, but without success. ROR has also been dismissed. Meanwhile, transfer of possession has been taken in accordance with the *sanad*.

Learned counsel for the petitioner submits that the petitioner was wrongly proceeded against *ex parte* in the partition proceedings as he was admitted in hospital and could not attend the proceedings. For this reason, he also could not file objections to the Naksha Ka. Thus, order of Financial Commissioner deserves to be set aside.

The submission cannot be accepted as the Financial Commissioner has recorded as a matter of fact that proper opportunity was given to all parties to file objections. This finding has not been displaced by

placing on record a necessary proof. In this view of the matter, the argument that the petitioner was admitted in hospital also does not survive.

In view of above reasons, the writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

12.09.2022
Ramandeep Singh

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