

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No. 11153-CWP of 2022 in/and
CWP-3433-2022

Date of Decision: 30.08.2022

Jagpreet Singh and others

....Petitioners

VS

Commissioner, Hisar and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Lupil Gupta, Advocate
for the petitioners

SUDHIR MITTAL, J. (Oral)CM No. 11153-CWP of 2022

This application has been filed for placing on record Annexures P-9 to P-13.

For the reasons stated therein, application is allowed and Annexures aforementioned are taken on record.

CWP-3433-2022

By referring to Annexures P-9 to P-13, learned counsel for the petitioners has submitted that the signatures on the summons allegedly served upon the petitioners were forged. Thus, there was no service in law and the order by which the petitioners were proceeded ex-parte deserves to be set aside. This fact has not been taken into consideration by the revisional authority.

A perusal of the documents aforementioned shows that on the summons issued to the petitioners report of service has been signed by the Chowkidar as well as the Patwari apart from the petitioners. It is not the case of the petitioners that the signatures of the Chowkidar and the Patwari are forged.

Thus, the bald statement that the signatures of the petitioners were forged can not

be accepted. Signatures of the Chowkidar and the Patwari on the service report signify that service was infact effected. Their signatures are testimony of the factum of service. In view of the above, the argument of learned counsel for the petitioners is rejected.

It has next been argued that another partition matter pending before the same authority was adjourned for 1 ½ years as is evident from Annexure P-8 whereas the case of the petitioners was not adjourned. This shows that the Assistant Collector was biased.

The facts of the other case are not on record. There is no evidence to indicate that the case subject matter of Annexure P-8 was identical to the present case and had been filed together with the case of the petitioners. Thus, this argument also deserves to be rejected.

The writ petition is dismissed.

30.08.2022

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**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No