

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

Sr. No.102

**CWP-9147-2019 (O&M)
Date of decision : 13.09.2022**

Gurdeep Singh

..... Petitioner

VERSUS

Financial Commissioner, Revenue, Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sardavinder Goyal, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

CM-2344-CWP-2022

Application is allowed as prayed for.

Annexures P-9 and P-10 are taken on record.

CM-2345-CWP-2022

Since, the main case is listed today, the application has been rendered infructuous and is disposed of as such.

CWP-9147-2019

The petitioner has challenged the orders of the authorities below appointing respondent No.4 as the Lambardar.

During the pendency of the writ petition, respondent No.4 has died as is evident from his death certificate, a copy of which has been placed on record as Annexure P-9. Thus, the process of appointment of Lambardar has to be initiated afresh.

Learned counsel for the petitioner has submitted that death has taken place during the pendency of the writ petition and thus, decision of the writ petition would prevail. In case, the petitioner succeeds, he would be entitled to be appointed as Lambardar.

The argument is mis-conceived. The incumbent having died, a fresh process has to be initiated for appointment of Lambardar. Pendency of the writ petition would make no difference in law. On the contrary, the principle of abatement would be attracted as after death of respondent No.4, the right to sue does not survive in favour of his legal representatives.

In view of above, the writ petition is dismissed.

(SUDHIR MITTAL)
JUDGE

13.09.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No