

CWP-9230-2022

Date of Decision: 11.05.2022

Davinder Singh and others

....Petitioners

VS

Financial Commissioner (Appeals) Punjab, Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Saurabh Kapoor, Advocate for the petitioners

SUDHIR MITTAL, J. (Oral)

The petitioners were parties in an application for partition of joint land. Allegedly, the partition proceedings were concluded without effecting service upon them and, thus, the *sanad* was challenged by way of an appeal. The appeal was dismissed as being not maintainable and, thus, a revision petition was filed before the Financial Commissioner. The said revision petition has been rejected by recording a finding that service was infact effected upon the petitioners as service is deemed to have been effected if there was a report of refusal.

Learned counsel for the petitioners submits that on 27.08.2010 report of refusal was infact given but thereafter fresh notices were issued. Whether service was effected after fresh notices were issued or not is not evident from the record and, thus, the learned Financial Commissioner was in error in rejecting the revision petition.

The argument is misconceived. Even if there is no report on the record regarding fresh notices issued to the petitioners, issuance of fresh notices themselves was not necessary as report of refusal is on record. Refusal to receive summons amounts to valid service and, thus, the order of the Financial Commissioner can not be faulted.

The writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

11.05.2022

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