

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

SR. No.139

CWP-10937-2022

Date of Decision:20.05.2022

Jeetpal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr.Sant Lal Barwala, Advocate,
for the petitioners.

SUDHIR MITTAL, J. (Oral)

A 'Sanad Takshim' was issued during the course of partition proceedings, which was challenged by way of appeal but without success. The revision petition has also failed.

Learned counsel for the petitioners has submitted that the mother of the petitioners, namely, Nirmala Devi, was a co-sharer in the land in dispute and that she had died during the pendency of the partition proceedings. Yet, her legal heirs were not impleaded and thus, partition proceedings, conducted without impleading the legal heirs, are illegal. The Financial Commissioner has failed to take this aspect into consideration.

A perusal of the order of the Financial Commissioner shows that the argument based on non impleadment of legal heirs has been considered. A question was raised by him regarding the prejudice caused to the legal heirs by non impleadment, but no satisfactory answer was given. Even before this Court, no satisfactory explanation is forthcoming regarding the prejudice caused. Thus, the impugned order does not deserve to be interfered with.

The writ petition has no merit and the same is accordingly dismissed.

20.05.2022
mks

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO