

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

Sr. No.123

**Civil Writ Petition No.4756 of 2022
Date of Decision : March 10, 2022**

Rasila Ram (Deceased) through LR's and another ...Petitioners

Versus

Financial Commissioner (Revenue) Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rakesh K. Kaundal, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

An ROR filed by the petitioners was dismissed for non-prosecution vide order dated 03.08.2017. It has been averred that the learned counsel for the petitioners therein was unable to reach as his car had broken down. Five days later, they filed an application for restoration but on account of a wrong number having been given to the learned counsel, he again could not appear when the case was listed on 09.11.2017 and thus, the restoration application was also dismissed for non-prosecution. Thereafter, a second application was filed and the same has been dismissed vide order dated 06.08.2021 on the ground of maintainability.

Learned counsel for the petitioners admits that the second application was not maintainable. However, he submits that in the interest of justice and equity, the orders be set aside and a direction be issued to the Financial Commissioner to decide the revision petition on merits.

The final order challenged in this writ petition is dated 06.08.2021 and admittedly, there is no error in the said order as the second application for restoration was not maintainable. The order earlier in point of time is dated 09.11.2017. The petitioners should have challenged the said order by way of writ petition instead of filing a second application for restoration which even as per the learned counsel was not maintainable. After five years, the order cannot be set aside on account of delay and laches. The petitioners have not been diligent in pursuing their remedies and do not deserve to be granted any relief at this stage.

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

March 10, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No