

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

(111)

LPA-761-2022 (O&M)
Date of Decision:-12.09.2022.

Jagpreet Singh and others

.....Appellants

Versus

Commissioner, Hisar Division, Hisar and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Lupil Gupta, Advocate for the appellants.

AUGUSTINE GEORGE MASIH, J. (Oral)

Challenge in this appeal is to the judgment passed by the learned Single Judge on 30.08.2022, whereby the writ petition preferred by the appellants challenging the orders passed by the Revenue Authorities on the appellants having been proceeded against *ex parte*, the partition proceedings have been finalized and the appeal and revision preferred by the appellants dismissed. In the appeal and the revision as well as before the learned Single Judge, the stand of the appellants have been that they have never been served in the partition proceedings. The summons which have been alleged to have been served on them have not been signed by appellant Jagpreet Singh (appellant No.1). He contends that if there exists such signatures those are forged signatures. The summons, therefore, bear only the signatures of the Patwari and the Chowkidar. He, on this basis, has projected that with the service having not been effected upon the appellants, the *ex parte* order passed by the Assistant Collector, IInd Grade, Dabawli,

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cannot sustain and deserve to be set aside. The consequent proceedings also have been sought to be set aside on that basis including the order of the Appellate Authority and the Revisional Authority.

We have considered the submissions made by the counsel for the appellants but are unable to pursue ourselves to accept the said submission in the light of the fact that there is nothing on the record which would indicate that there has been any forgery at the ends of the Patwari or the Chowkidar of the village. There is no allegation with regard to the same attributable to those two persons. No evidence has been produced on record either before the Appellate Authority or before the Revisional Authority substantiating the contention that the signatures of the appellant No.1 had been forged. The Revenue Authorities as also the learned Single Judge has returned a finding with regard to the service having been rightly and correctly effected upon the appellants. These findings, therefore, cannot be upsetted at this belated stage and that too without there being any evidence to the effect that there is indeed forgery of the signatures.

Another plea which has been pressed into service by the counsel for the appellants is that the same Authority relating to a case of partition had adjourned the matter for a period of 1 ½ years in similar circumstances. The said plea cannot be accepted, as there is nothing on record which would clearly show that such was the position in that case. Even if the factual position, as has been asserted by the counsel for the appellants is correct, that would not in any manner affect the impugned order which has been passed against the appellant. Mere delay in a matter cannot be taken as a precedent for being pressed into service for seeking parity on such a ground.

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Having no merit in the present appeal, the same stands dismissed.

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Since the main appeal has been dismissed, no orders are required to be passed in this application and the same is disposed of as such.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(ALOK JAIN)
JUDGE**

September 12, 2022.

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No