

Gurcharan Singh and others**....Petitioners****VS****Financial Commissioner, Revenue and others****....Respondents****CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**Present: Mr. Sanjiv Kumar Yadav, Advocate
for the petitioners

SUDHIR MITTAL, J. (Oral)

The petitioners raised objections to partition proceedings on the ground of issue of title being involved. The application was allowed and appeal of the private respondents was dismissed. Revision filed by the private respondents succeeded. Further, revision filed by the petitioners was dismissed on 29.08.2018. Thus, the present writ petition has been filed.

Learned counsel for the petitioners has submitted that although the civil suit was dismissed and the appeal also failed, Regular Second Appeal is pending adjudication and, thus, the Financial Commissioner was in error in dismissing the revision petition.

The present writ petition has been filed more than four years after the decision of the Financial Commissioner. Thus, the same is barred by delay and laches.

In response, learned counsel for the petitioners has submitted that partition proceedings had been stalled on account of the COVID-19 pandemic and, thus, the writ petition was not filed earlier.

The argument is misconceived and is liable to be rejected because COVID-19 pandemic started only in the year 2020. There is no explanation for not challenging the order prior to the start of the pandemic.

The writ petition is, accordingly, dismissed on account of delay and laches.

19.09.2022
reena

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No