

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

**LPA No.48 of 2020 (O&M)
Date of Decision: 19.04.2022**

Jaimal & Another

....Appellants

Versus

State of Haryana & Others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Sandeep Singh, Advocate,
for the appellants.

Mr. Ankur Mittal, Additional Advocate
General, Haryana.

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MEENAKSHI I. MEHTA, J.

By way of the instant appeal, the appellants assail the order dated 18.09.2019 handed down by learned Single Judge whereby CWP No.10783 of 2019 preferred by them to challenge the order dated 10.09.2018 passed by the Financial Commissioner Haryana, i.e respondent No.2, has been dismissed.

Shorn and short of unnecessary details, the facts culminating in the filing of the instant appeal, are that the appellants and private respondents No.4 to 29 were co-sharers in the land measuring 313 Kanals 18 Marlas. An application for seeking the partition of the same was moved and vide the orders dated 09.03.2017, 30.03.2017 and 27.04.2017, the

partition proceedings were finalized. The appellants challenged the said orders by filing a Revision Petition before respondent No.2 but the same was dismissed vide the order dated 10.09.2018 and the above-said CWP, as preferred by them to assail the said order, has also ended in its dismissal vide the impugned order dated 18.09.2019.

We have heard learned counsel for the appellants in the present appeal and have also perused the file carefully.

Learned counsel for the appellants contends that Assistant Collector 1st Grade, Pundri, had passed the orders qua the partition of the said land at the back of the appellants who were assured by the private respondents that the partition proceedings would be finalized on the basis of the mutual consent of the parties and in view of the same, they (appellants) did not appear before the said Court in the above-said proceedings but the private respondents, while taking undue advantage of the trust and faith reposed by the appellants in them, produced some impersonator in place of appellant No.1 during the said proceedings and got the final order for the partition of the afore-mentioned land passed and therefore, the above-said orders passed by AC Ist Grade as well as the order passed by respondent No.2 and also the impugned order handed down by the Single Bench in the said CWP are not legally sustainable and the same deserve to be set aside.

However, we do not find any merit in the afore-raised contentions because it has categorically been averred in Para No.3 of the present appeal itself, that the notice was sent to the appellants in the

proceedings pertaining to the said application as moved for seeking the partition of the land. Their plea regarding their having trusted the above-discussed assurance of the private respondents and their (appellants') non-appearance before the said Court during the partition proceedings in view of the same, does not seem to be cogent and plausible at all because a perusal of the 'List of Dates and Events' (annexed at Pages No. 36 and 37 of the paper-book) reveals that the application for seeking partition of the said land was filed on 04.12.2014 and the final order to conclude the partition proceedings was passed on 27.04.2017, i.e after about two years and four months. Even if for the sake of arguments, the above-said plea of the appellants is presumed to be correct, even then, in normal course of events, it seems highly improbable that any prudent person would not appear before the Court to pursue the proceedings wherein he/she has been impleaded as a party and his/her rights are supposed to be effected/determined and would not even bother to know about the final outcome/fate of the proceedings for such a long period.

So far as the contention regarding the private respondents having procured the order for the partition of the said land by producing some impersonator in place of appellant No.1 and thereby forging his signatures is concerned, the same also does not hold much water because there is nothing on the file to show that the appellants had ever approached any competent authority to report/complain about the afore-said fact/grievance.

As a sequel to the fore-going discussion, it follows that the

impugned judgment does not suffer from any illegality, infirmity or irregularity so as call for any interference by this Court. Resultantly, the present appeal, being *sans* any merit, stands dismissed.

19.04.2022

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(RITU BAHRI)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

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