IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(114) **CM-7933-34-C of 2023 in**
RA-RS-40 of 2023 in
RSA No. 4130 of 2011(O&M)
Date of Decision:11.08.2023.

Jagdish Singh **….Non-applicant/Appellant**

Versus

Sardool Singh @ Sahurat Singh @ Suhrid Singh **....Applicant/Respondent**

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sunil Chadha, Senior Advocate with
Mr. B.S. Seemar, Advocate &
Ms. Tara Dutt, Advocate
for the non-applicant/appellant.

Applicant/Respondent in person.

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VIKRAM AGGARWAL, J. (ORAL)

CM-7934-C-2023

Prayer in the present application is for placing on record replies to the Civil Miscellaneous Application and the Review Application.

For the reasons mentioned in the application, the same is allowed and replies to the Civil Miscellaneous Application as also to the Review Application are taken on record.

CM-7933-C-2023

Prayer in the present application preferred under Section 151 CPC is for preponing the date of hearing in the Review Application i.e. RA-RS No. 40 of 2023 from 11.08.2023 to some early date.

The present application has been rendered infructuous and is disposed of as such.

REKHA SHARMA
2023.08.15 12:47
I attest to the accuracy and
integrity of this document

RA-RS-40-2023 in RSA No. 4130 of 2011

1. I have heard the respondent, who appears in person and Mr. Sunil Chadha, learned Senior counsel.

2. The sole ground raised by the applicant is that while deciding the Regular Second Appeal, the Bench took note of the order dated 10.08.2022 passed by the Financial Commissioner, Revenue Punjab, whereas the said order was under review before the Financial Commissioner. It is the case of the applicant that the High Court should have waited for the decision on the Review Application pending before the Financial Commissioner.

3. Learned Senior Counsel has opposed the prayer made by the applicant stating that re-appreciation of the matter on the merits of the case is not permissible. It has also been submitted that it is the finding of the Civil Court which would be binding on the revenue Court and not that this Court would be bound by the findings given by the revenue Courts.

4. I have considered the matter.

5. I do not find any error on the face of the record warranting exercise of revisional jurisdiction. It is settled law that no review on merits is permissible in law. Still further, there was no occasion for this Court to wait for the decision of the Revenue Courts.

6. In view of the above, the present review application does not call for any interference by this Court.

The review application is accordingly dismissed. All pending applications stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

August 11th, 2023
Rekha

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*

REKHA SHARMA
2023.08.15 12:47
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integrity of this document