

CM-11014-CWP-2023 &  
CM-11015-CWP-2023 in/and  
CWP-13753-2018

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2023:PHHC:091063

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(109)

CM-11014-CWP-2023 &  
CM-11015-CWP-2023 in/and  
CWP-13753-2018  
Date of decision: - 18.07.2023

Amrik Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. V.K. Sandhir, Advocate, for the applicant-petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

Mr. Arun Jindal, Advocate  
for non-applicant/respondents No.5 and 6.

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VIKAS BAHL, J. (ORAL)

CM-11014-CWP-2023

1. This is an application filed under Section 5 of the Limitation Act for condonation of delay of 89 days in filing the application for recalling/restoration of the main writ petition.

2. For the reasons stated in the application, which is duly supported by an affidavit, the same is allowed and the delay of 89 days in filing the application for restoration of the main writ petition is condoned.

CM-11015-CWP-2023

1. This is an application under Order 9 Rule 9 under Section 151 CPC for recalling the order dated 14.03.2023 (Annexure A-1) whereby the above-said writ petition has been dismissed for non-

prosecution.

2. For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. The order dated 14.03.2023 is recalled and the main writ petition is restored to its original number.

**CWP-13753-2018**

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 08.08.2017 (Annexure P-2) which is *sanad takseem* and order dated 18.09.2017 (Annexure P-3), vide which, the warrant of possession has been issued.

2. Learned counsel for respondent Nos.5 and 6 has submitted that the petitioner has not filed any revision petition before the Financial Commissioner and has straightway filed the present writ petition and in view of the latest law, revision petition filed before the Financial Commissioner is maintainable.

3. Learned counsel for the petitioner has submitted that in view of the same, the petitioner seeks to withdraw the present writ petition with liberty to file a revision petition before the Financial Commissioner.

4. Dismissed as withdrawn, with the aforesaid liberty.

**July 18, 2023**  
naresh.k

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No