

CWP-26187-2022(O&M)

1

2023:PHHC:061754

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1.

CWP-26187-2022(O&M)

Krishan Kumar and others

... Petitioners

Versus

Commissioner, Rohtak Division, Rohtak and others

... Respondents

2.

CWP-26351-2022(O&M)

Krishan Kumar and others

... Petitioners

Versus

Commissioner, Rohtak Division, Rohtak and others

... Respondents

3.

CWP-26197-2022(O&M)

Krishan Kumar and others

... Petitioners

Versus

Commissioner, Rohtak Division, Rohtak and others

... Respondents

Date of decision : 01.05.2023

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sudhir Aggarwal, Advocate for the petitioners.

Ms.Upasana Dhawan, AAG, Haryana for respondents no.1 & 2.

Mr.Anil Dutt, Advocate for respondents no.3 to 5.

VIKAS BAHL, J.(ORAL)

1.

This order will dispose of three writ petitions i.e. CWP-26187-

2022, CWP-26351-2022 and CWP-26197-2022.

2. All the three writ petitions have been filed by the same petitioners challenging the common order dated 12.01.2022 passed by the Commissioner, Rohtak Division, Rohtak vide which the instrument of partition dated 11.11.2019 as well as the entire partition proceedings have been set aside.

3. The petitioners in the present writ petitions are Krishan Kumar, Bhim Singh and Krishna Devi and respondents no.3 to 5 are Smt.Sukesh, Rakesh and Ravi, respectively. Respondents no.3 to 5 had filed three revisions petitions i.e., revision nos. 147, 148 and 149 before the Commissioner, Rohtak Division, Rohtak which had arisen from three applications for partition filed by the petitioners. The Commissioner, Rohtak Division, Rohtak, had allowed all the said three revisions vide order dated 12.01.2022 and thus, three writ petitions have been filed challenging the said three orders.

4. Learned counsel for the petitioners as well as respondents no.3 to 5 have jointly submitted that during the pendency of the present writ petitions, the matter has been compromised between the petitioners and respondents no.3 to 5 and for the said purpose, have moved application i.e., CM-7433-CWP-2023 in CWP-26187-2022, CM-7446-CWP-2023 in CWP-26351-2022 and CM-7559-CWP-2023 in CWP-26197-2022 giving details of the said compromise and have supported the said applications by affidavits of respondents no.3 to 5. It is jointly submitted that it has been agreed between the parties that respondents no.3 to 5 have no objection in case the order of the Commissioner, Rohtak Division, Rohtak dated 12.01.2022 passed in all the said three revision petitions is set aside. It is

parties and arrived at without any undue pressure or coercion. It is stated that the main petitions are listed for 08.11.2023 and it is jointly prayed that the main cases be postponed from 08.11.2023 to today.

5. Keeping in view the above said facts and circumstances, the main petitions are postponed from 08.11.2023 to today itself and CM-7433-CWP-2023 in CWP-26187-2022, CM-7446-CWP-2023 in CWP-26351-2022 and CM-7559-CWP-2023 in CWP-26197-2022 and all the three writ petitions are allowed and the order dated 12.01.2022 (Annexure P-4) in all the three writ petitions is set aside.

6. It would be relevant to note that another set of respondents i.e., Narinder and Varinder had also filed revision petitions before the Divisional Commissioner i.e., revision nos.87 and 88 which were also allowed vide order dated 06.10.2021 and the said order dated 06.10.2021 has been challenged by the petitioners, Krishan Kumar, Bhim Singh and Krishna Devi in CWP-5923-2022 and CWP-5934-2022 and disposal of the present writ petitions would not affect the said writ petitions as the impugned order in the said writ petitions would be considered independently after hearing all the parties in the said writ petitions.

(VIKAS BAHL)
JUDGE

May 01, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No