

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.3209 of 2024
Date of Decision: 15.02.2024

Sunder Devi
..... Petitioner

Versus

Collector, Bhiwani and another
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. R. A. Sheoran, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for directing respondent No.1 to decide the appeal i.e. case No.259/Appeal (Annexure P-2) which is pending for service before respondent No.1 w.e.f. 20.03.2023 within stipulated time and further directing respondent No.2 to decide the partition proceedings i.e. case No.554/Partition (Annexure P-1) which is pending w.e.f. 23.09.2021 in a time bound manner as per law.

It has been submitted by learned counsel for the petitioner that the partition proceedings were initiated by the petitioner in the year 2021 and thereafter, the Naksha 'K' was prepared. He submits that the appeal has been filed by one of the co-sharer, namely, Bhim Singh on the ground that the partition proceedings were carried out by the Assistant Collector IInd Grade, Bhiwani *ex parte* qua him. He has submitted that because of the pendency of the appeal, now the partition proceedings are

totally stalled. He submits that the petitioner would have no objection if the appeal filed by Bhim Singh is allowed and he is allowed to join the partition proceedings. However, there are no further progress in the appeal filed.

Notice of motion.

On asking of the Court, Ms. Upasna Dhawan, AAG, Haryana appears and accepts notice on behalf of the respondents. She, on instructions from Mr. Krishan, Reader, SDM, Bhiwani, has submitted that because of the non-appearance of the respondents in the appeal, the same is pending.

On hearing learned counsel for the parties and perusing the record, the present petition is disposed of with a direction to respondent No.1 i.e. Collector, Bhiwani to expedite the hearing of the appeal and decide the same expeditiously in accordance with law.

The submissions made by learned counsel for the petitioner that he has no objection if the appeal is allowed be also taken into consideration by the Appellate Authority.

On the decision of the appeal, the Assistant Collector IInd Grade, Bhiwani would proceed with the partition proceedings in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

15.02.2024

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