

circumstances of the case vide order 22.12.2014 and 15.02.2017, respectively. He further submits that the revision petition/ROR filed against the impugned orders was also illegally dismissed by the learned Financial Commissioner vide order dated 25.10.2023. It has been submitted that the land of Rectangle No.117 Killa No.9 was in possession of the petitioners, but the same has been disturbed and the land of Killa No.20/2 was given to the petitioners where the petitioners were not in complete possession of this Killa number. It is submitted that *rasta* provided from the Southern side of land of Rect. No.41 Killa No.6/3, 7/3 and further from the corner of Eastern side and Northern side of Killa No.14/2 is too long as the partition proceedings were carried out as per mode of partition. He has submitted that *Bagh* was in $\frac{1}{2}$ acre of land but the same was also not allotted to the petitioners. It is submitted that *Naksha Bey* was prepared in violation of the terms and conditions of the mode of partition. It is further submitted that as per the mode of partition 4 taks/curras were to be prepared, whereas, revenue authorities have carved out 5 taks/curras. He has submitted that making separate tak resulted in causing loss of land from common land. Thus, he has submitted that the entire possession was disturbed which caused serious prejudice to the petitioners and hence, the impugned orders dated 09.06.2014, 22.12.2014 and 25.10.2023 are liable to be quashed.

After hearing learned counsel for the petitioner and perusing the record, it is apparent that the partition proceedings were initiated at the behest of the private respondents. Notices were issued to all the co-sharers and mode of partition was approved on 05.03.2010, which read as under:-

- “1. Total land for partition: 281 K 10 M
2. Possession may be kept intact. If there is any necessity for the partition then the possession may be displaced.

3. Trees, Kotha, Tubewell, Tube Arajji may be kept.
4. Rasta, Khalijat, Mushtarka Land may be attached with each part of the land. Less and excess may be adjusted.
5. Four kurras may be carved out.
 - (1) Applicant
 - (2) Respondent No.1 to 9
 - (3) Respondent No.10 to 15
 - (4) Respondent No.16.

The objections filed were duly appreciated by making spot inspection and thereafter, *Naksha Bey* was accepted on 09.06.2014. The appeal filed by the petitioners was duly heard, however, finding no merit in the appeal, the same was dismissed on 22.12.2014. Further appeal was filed by the petitioners before the Commissioner, Hisar Division, Hisar, however, finding no illegality, the same was dismissed vide order dated 15.02.2017. In the revision petition filed before the Financial Commissioner the parties were heard again. The precise submission of learned counsel for the petitioners is that instead of 4 taks/curras, 5 taks/curras were carved out and thus, the possession was disturbed. It is not the case of the petitioners that the partition proceedings were carried out without providing any opportunity of hearing rather the petitioners continue to attend the proceedings since beginning and their objections were heard and appreciated by all the Revenue authorities. However, they have failed to prove any prejudice allegedly caused to them by carrying out the partition proceedings. Though in the mode of partition, it was agreed that possession may be kept intact, however, as per condition No.2 of the mode of partition, it was agreed that in case of necessity the possession could be disturbed. In the welfare of all the co-sharers, disturbance in the possession to some extent usually remains unavoidable. However, no substantial injustice is

found to have been caused to the petitioners, thus, this Court does not find any infirmity in the impugned orders for its intervention. Hence, finding no merits in the present petition, the same is hereby dismissed.

14.02.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No