

**120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-10094-2024

Date of Decision: 02.05.2024

Harjeet Singh and others

..... Petitioners

Versus

Financial Commissioner (Appeal), Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Munish Gupta, Advocate, for the petitioners.

Mr.Ashish Aggarwal, Sr. Advocate with
Mr.Vishal Pundir, Advocate and
Mr. Hardeep Singh, Advocate for
caveator/respondents No.3 to 7.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for quashing the order dated 25.01.2024 (Annexure P-22) passed by respondent No.1, whereby ROR No.291 of 2023 has been dismissed, and for quashing of Sanad Takseem dated 15.11.2022 and order dated 06.09.2022 (Annexures P-17 to P-20) and order dated 18.08.2022 (Annexures P-13 to P16) passed by respondent No.2. Further prayer has been made for staying the operation of the impugned orders.

2. At the outset, learned counsel for the petitioners has submitted that in fact there were four separate khewats and thus, four separate applications for partition were filed before the respondent-authorities. He submits that however, the impugned order has been passed qua the revision petition filed by the petitioners only, whereas, the issue involved in rest of three khewats have not been dealt with by the Revisional Court. He has fairly submitted that legally there should have been four separate revision petitions but only the present revision petition was filed. He further submits

that the same is beyond any comprehension of law and thus, the impugned order does not stand. Resultantly, he prays for withdrawal of the present petition with liberty to file application before the Financial Commissioner for reviewing the order dated 25.01.2024 and to file three revision petitions qua rest of three khewats alongwith the stay applications.

3. Learned Senior Counsel appearing for the caveators though has opposed the submissions made by counsel for the petitioners, however, he has submitted that this revision petition was filed by the petitioner intentionally and now it would further delay the partition proceedings.

4. The Court appreciates the submissions made by both the sides and finding the impugned order passed in only one revision petition while dealing with all the four partition applications, allows the petitioner to withdraw the present petition with liberty to file review of the order dated 25.01.2024.

5. Dismissed as withdrawn. The petitioners would be at liberty to file rest three revision petitions qua rest of three partition applications. In the review to be filed against this order, the petitioners would choose that review application pertains to which partition application. The petitioners would file the review and revision petitions as mentioned above within 10 days from the date of receipt of copy of this order. On filing of the same, the Financial Commissioner would issue notice to both the sides and would decide the same expeditiously preferably within two months thereafter.

6. It is being clarified that the Court has not dealt with the case on merits.

7. Counsel for the petitioners has submitted that warrants of possession have already been issued. No coercive action shall be taken against the petitioners for the period of 10 days, granted for filing the

review and revision petitions as mentioned above. On filing of the review and revision petitions alongwith stay applications, learned Financial Commissioner would deal with the same as per law.

02.05.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No