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

CWP-12844-2024

Date of Decision: 28.05.2024

Jasbir Singh @ Jasvir Singh

..... Petitioner

Versus

Financial Commissioner Appeals and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ajay Pal Singh Rehan, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for quashing/setting aside the order dated 12.01.2024 (Annexure P-6) passed by respondent No.1/Financial Commissioner (Appeals), Punjab in ROR No. 343 of 2023, Instituted on 15.03.2023 (Annexure P-2) titled as 'Jasvir Singh Vs Naranjan Singh & Ors.' whereby the above Revision Petition (ROR No. 343 of 2023), filed by the petitioner against the order dated 31.08.2022 (Annexure P-1) passed by Commissioner Jalandhar Division, has been dismissed in default for want of appearance and for further quashing and setting aside of the order dated 16.02.2024 (Annexure P-8) passed by respondent No.1 whereby the application for restoration of the said ROR No. 343 of 2023 has also been dismissed.

2. Learned counsel for the petitioner has *inter alia* contended that the counsel for the petitioner noted wrong date, hence, he could not appear before the Financial Commissioner on 12.01.2024 and the revision filed by the petitioner was dismissed for non-prosecution. He submits that immediately thereafter, the petitioner filed an application for restoration of the same, but the application for restoration was also dismissed without



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taking into consideration the submissions made by the petitioner. He submits that the case has not been decided on merits and if the revision is not restored to its original number, the petitioner would suffer an irreparable loss and injury. He submits that the petitioner would not prolong the proceedings and undertakes to appear on the date fixed.

3. Notice of motion.

4. On the asking of this Court, Mr. Navneet Singh, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that the revision filed by the petitioner before the Financial Commissioner was dismissed for non-prosecution due to his non-appearance and application for restoration of the revision was also dismissed. There is no gainsaying that the case has not been decided on merits and the litigant would be a victim, in case the same is not decided on merits.

6. Thus, in view of the overall facts and circumstance of the case, the impugned orders dated 12.01.2024 and 16.02.2024 are set aside and the revision is restored to its original number and position. After restoration, learned Financial Commissioner would decide the revision petition as per law.

7. Disposed of in above-said terms.

28.05.2024
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No