

2024:PHHC:081003



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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-14371-2024

Date of Decision: 01.07.2024

Gurdeep Kaur

..... Petitioner

Versus

Financial Commissioner Punjab, Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Deepak Arora, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

1. Prayer in the instant writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari to quash order dated 01.09.2023 (Annexure P-7), whereby the learned Financial Commissioner, Punjab dismissed the revision petition (ROR No.896 of 2022) for want of prosecution. Petitioner further seeks setting aside of order dated 29.09.2023 (Annexure P-8) passed by the learned Financial Commissioner, Punjab, whereby her application seeking restoration of the aforesaid petition has also been dismissed for non-prosecution.

2. Learned counsel for the petitioner, after arguing for some time, submits that he restricts his claim only to the setting aside of order dated 29.09.2023 (Annexure P-8) passed by the learned Financial Commissioner,

Punjab, whereby the application bearing Miscellaneous No.99 of 2023 seeking restoration of main petition (ROR No.896 of 2022) has been dismissed for non-prosecution. Learned counsel submits that on the said date (29.09.2023), he could not appear before the learned Financial Commissioner, Punjab as he was suffering from fever, however, his associate had appeared before the said Court and requested for a date, which was not acceded to by the learned Financial Commissioner, Punjab. It is further submitted that in fact, 29.09.2023 was the first date fixed in the application seeking restoration of the main petition (ROR 896 of 2022) and the associate of the counsel had requested for adjournment, which could have been considered by the learned Financial Commissioner, Punjab. Learned counsel for the petitioner submits that the reason for non-appearance before the concerned Court on 29.09.2023 was genuine and not to gain any undue advantage.

3. Notice of motion to the respondents-State only.
4. Mr. Navneet Singh, Senior Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.
5. Given the nature of the order being passed, there is no necessity to seek any response from the respondents-State or even to serve the other respondents.
6. I have heard learned counsel for the petitioner as well as learned State counsel and gone the paper book with their able assistance.
7. I do not find any reason to disbelieve the reasoning put forth by learned counsel for the petitioner as regards his ill health, due to which, he could not attend the proceedings in the application seeking restoration of the main petition (ROR 896 of 2022) on 29.09.2023, before the Financial

Commissioner, Punjab. Even otherwise, I am of the opinion that the matter could have been dealt with by the learned Financial Commissioner, Punjab by granting atleast one indulgence, may be subject to payment of costs. It needs no reiteration that every Court of law must make an endeavour to decide the *lis* between the parties on its merits to serve the cause of justice.

8. Keeping in view the aforesaid facts and circumstances, order dated 29.09.2023 (Annexure P-8) passed by the Financial Commissioner, Punjab is set aside and application bearing Miscellaneous No.99 of 2023 in ROR No.896 of 2022 is restored to its original number and status.

9. Petitioner shall appear before the Financial Commissioner, Punjab on 19.07.2024 or any other date convenient to the said Court. Further, the aforesaid application seeking restoration of petition bearing ROR No.896 of 2022 shall be decided on its own merits after affording due opportunity of hearing to all the concerned parties.

10. The present petition is disposed of in the aforesaid terms.

11. All pending application(s), if any, shall also stand closed.

01.07.2024
Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No