

102

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4334-2017
Date of Decision: April 05, 2024

Balkar Singh and others
.....Petitioners
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.K.P.S.Sandhu, Advocate
for the petitioners.

Mr.Navneet Singh, Sr.DAG, Punjab.

Mr.R.S.Chauhan, Advocate with
Mr.Rohit Sapehiya, Advocate and
Ms.Deepika Chauhan, Advocate
for respondent No.5.
.....

RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition is for issuance of direction especially in the nature of certiorari, for setting aside the order, dated 13.08.2012, Annexure P-1, ex parte order, dated 08.07.2014, Annexure P-2, and order dated 05.09.2016, Annexure P-4, passed by respondents No.4, 3 and 2 respectively being illegal, void and against the principles of natural justice. It is also prayed to issue direction to respondent No.3 to decide afresh application for partition after receiving fresh objections from the parties.

It has been submitted by learned counsel appearing for respondent No.5 that at present the petitioner has an alternative remedy of filing the revision petition before the Financial Commissioner and he may be

directed to avail the said remedy.

Learned counsel for the petitioners has agreed with the above contention raised by learned counsel for the respondent No.5. It has been stated by learned counsel for the petitioners that Financial Commissioner be directed to consider issue of limitation sympathetically as the present petition remained pending before this Court since the year 2017.

In view of the above facts and after hearing learned counsel for the parties, the present petition is disposed of. Petitioners are directed to approach the learned Financial Commissioner for redressal of their grievances. It is also directed that if petitioners file revision petition within two weeks from today, then learned Financial Commissioner is directed to decide the same on merits after hearing both the parties within three months from the date of its filing. It is, however, made clear that period spent before this Court in pursuing this petition be taken into consideration as per Section 14 of the Limitation Act.

April 05, 2024
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |