

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

**CWP-1112-2022 (O&M)**  
**Date of decision :18.12.2024**

SAROOP SINGH AND OTHERS

...Petitioners

Versus

MANMOHAN SINGH AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Mohan Singla, Advocate  
for the petitioners.

None for respondents No.1, 2, 4 and 6.

Mr. Rajneesh Chadwal, A.A.G., Haryana  
for respondents No.7 and 8.

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**HARSH BUNGER, J. [ORAL]**

1. Petitioners, herein, have filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *certiorari* for setting aside the order dated 08.09.2021 (Annexure P-4); whereby, the Revision Petitions (***ROR-394-2015*** and ***ROR-395-2015***) were dismissed for non-prosecution.

1.1 A further prayer has been made for setting aside the order dated 17.11.2021 (Annexure P-6); whereby the application filed by the petitioners, seeking restoration of the afore-said revision petitions, was also dismissed in default.

2. Briefly, the petitioners herein challenged the partition proceedings/*sanad takseem* dated 30.08.2012 (Annexure P-1) and also an

order dated 14.10.2014 passed by the learned Commissioner, Hisar Division, Hisar by filing two separate revision petitions bearing Nos. **ROR-394-2015** and **ROR-395-2015** (Annexures P-3 and P-2, respectively).

2.1 It appears that both the afore-said revision petitions came to be dismissed for non-prosecution vide common order dated 08.09.2021 (Annexure P-4) passed by the learned Financial Commissioner, Haryana.

2.2 Thereafter, the petitioners filed an application bearing **Misc. No.149/2021** dated 30.09.2021, seeking restoration of the afore-said revision petitions; however, the said application was also dismissed by the learned Financial Commissioner, Haryana, vide order dated 17.11.2021 (Annexure P-6), again on account of non-appearance of the counsel for the petitioners.

2.3 In the afore-mentioned circumstances, the present writ petition has been filed before this Court.

3. Upon issuance of notice of motion in the present writ petition, respondents No.1, 2, 4 and 6 appeared through their counsel- Mr. K.S. Dhindsa, on 26.05.2022 and sought time to implead the legal representatives of respondents No.3 and 5. The case was, accordingly, adjourned to 10.01.2023.

4. On 10.01.2023, again an adjournment was sought by the counsel appearing on behalf of respondents No.1, 2, 4 and 6, to comply with order dated 26.05.2022. A similar request was also made on behalf of respondents No.1, 2, 4 and 6 on 17.08.2023. Thereafter, on 29.01.2024, no one appeared on behalf of respondents No.1, 2, 4 and 6 nor any application for impleading the legal representatives of deceased respondents No.3 and 5, was moved. Today again, there has been no representation on behalf of

respondents No.1, 2, 4 and 6 nor any application for impleading the legal representatives of deceased respondents No.3 and 5, has been moved.

5. Be that as it may, the petitioners are only seeking restoration of the revision petitions, which were dismissed for non-prosecution. The reasoning mentioned by the petitioners is that on the date fixed i.e. 08.09.2021, the Courts were being held through virtual mode, however, on account of poor internet connectivity, the counsel for the petitioners could not participate/join in the proceedings; whereupon, the revision petitions were dismissed in default, vide order dated 08.09.2021 (Annexure P-4). It is stated that thereafter, when the application for restoration of the main case was filed, the same was listed on 17.11.2021 and again, the proceedings were taken up by way of virtual mode and that time also, on account of poor internet connectivity, the learned counsel for the petitioners could not participate in the proceedings and the application was dismissed for non-prosecution.

6. It is stated that the non-appearance of the counsel for the petitioners was for the reasons mentioned here-in-above, which were beyond the control of the petitioners and/or their counsel and in no way, to derive any undue benefit.

7. Heard.

8. In the present case, admittedly, the revision petitions filed by the petitioners were dismissed for non-prosecution vide common order dated 08.09.2021 (Annexure P-4). An application for restoration of the main revision petitions was also dismissed on account of non-appearance of the counsel for the petitioners, vide order dated 17.11.2021 (Annexure P-6). Apparently, the afore-said orders came to be passed during the period of Covid-19 *pandemic*, and the proceedings were taken up through virtual

mode. I find no reason to doubt the reasoning put forth by the learned counsel appearing on behalf of the petitioners that petitioners could not appear before the learned Financial Commissioner, at the time of hearing of their petition and subsequently, when the application for restoration was filed on account of poor internet connectivity. Even otherwise, it is well settled that the matter should be decided on merits rather than on technicalities. It is further observed from the paper-book that the revision petitions were dismissed for non-prosecution on 08.09.2021 and immediately, thereafter, on 30.09.2021, the application for restoration was filed, which was also dismissed on 17.11.2021 and even the present writ petition was filed in the month of December, 2021, without their being any delay at any stage.

9. In view of the above, order dated 08.09.2021 (Annexure P-4) and order dated 17.11.2021 (Annexure P-6) passed by the learned Financial Commissioner, Haryana, are set aside and the revision petitions (***ROR-394-2015*** and ***ROR-395-2015***) are ordered to be restored on the board of learned Financial Commissioner, Haryana to its original number and status.

10. Let the afore-said revision petitions (***ROR-394-2015*** and ***ROR-395-2015***) be decided on merits, after affording due opportunity of hearing to all the parties concerned. Petitioners are directed to appear before the learned Financial Commissioner on **22.01.2025**.

11. It is further directed that since the afore-said revision petitions pertain to the year 2015, the learned Financial Commissioner, Haryana, shall make an earnest endeavour to decide the same, within a period of six months from the date, the parties appear before him i.e. 22.01.2025.

12. A copy of this order be sent to respondents No.1 to 6, on their address/es, as mentioned in the `Memo of Parties`.
13. The petition is disposed of accordingly.
14. All pending applications (if any) shall also stand closed.

December 18, 2024

gurpreet

Whether speaking/reasoned:

Whether reportable:

(HARSH BUNGER)

JUDGE

Yes/No

Yes/No