

**CWP-44-1993 (O&M)**

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

**CWP-44-1993 (O&M)
Date of Decision: 02.04.2025**

Niranjan Singh (Deceased) Through LRs. and others

....Petitioners

Versus

Financial Commissioner (Appeals), Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGERPresent : Mr. Rakesh Kumar, Advocate
for the petitioners.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

Mr. G.S. Nagra, Advocate and
Mr. P.S. Chahal, Advocate
for respondents No.2 and 5 to 7.

HARSH BUNGER, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking a writ in the nature of Certiorari for setting aside order dated 07.12.1979 (Annexure P-1) passed by the Assistant Collector 1st Grade, Kapurthala, whereby in the partition proceedings initiated at instance of respondent No.2- Dalip Singh, the plea of petitioners that a private partition has already taken place, was rejected.

A further prayer has been made for setting aside order dated 06.07.1992 (Annexure P-4) passed by learned Financial Commissioner (Appeals), Punjab, whereby order dated 17.10.1980 passed by the learned Collector, Kapurthala as well as order dated 14.11.1983 passed by the learned Commissioner (Appeals), Jalandhar Division, Jalandhar were set

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aside and the matter was remanded to the Assistant Collector 1st Grade, Kapurthala to proceed with the partition on merits.

2. It appears that during pendency of the present writ petition, a compromise was effected between the parties vide compromise deed dated 23.01.2001 which has been attached as Annexure P-5 along with the application bearing No. *CM-11012-2001*.

2.1. Now, another application bearing No. *CM-4931-CWP-2025* has been filed on behalf of the petitioners for placing on record the affidavits of the witnesses of compromise deed dated 23.01.2001 executed between the parties, the same is allowed and Annexures A-1 and A-2 are taken on record, subject to all just exceptions.

3. Learned counsels appearing for respective parties have admitted the factum of compromise deed dated 23.01.2001 (Annexure P-5) and have submitted that the present writ petition be disposed of in terms of compromise.

4. Ordered accordingly.

5. It goes without saying that the parties may approach the concerned revenue authority for seeking amendment/modification of their respective shares in partition papers in terms of compromise (Annexure P-5) and/or seek implementation of said compromise (Annexure P-5), in accordance with law.

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

02.04.2025*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No