IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RA-CW-84-2024 in
CWP-18650-2020

Date of decision: 28th August, 2025

Raj Kumar

… Petitioner

Versus

Financial Commissioner (Appeals), Punjab & others

… Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Piyush Setia, Advocate
for the applicant/respondent No.4.

Mr. Manu Loona, Advocate
for the non-applicant/petitioner.

MANJARI NEHRU KAUL, J.

1. The instant review application under Order XVII Rule 1 of CPC read with Section 114 CPC and Article 226 of the Constitution of India has been filed by respondent No.4 – Gulab Ram – for review of the judgment dated 05.11.2020 (Annexure RA-1) passed by this Court.

2. The relevant factual matrix, necessary for adjudication of the present review application, is set out herein below :

(i) The applicant/respondent No.4 – Gulab Ram filed an application for partition against the petitioner as well as private respondents before the learned Tehsildar. The said application was allowed vide order dated 30.09.2015 (Annexure P-4), whereafter a *Sanad Takseem* was issued on 04.12.2015 (Annexure P-6).

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(ii) Aggrieved by the said order, the petitioner preferred an appeal before the learned Collector. The appeal, however, came to be dismissed for non-prosecution vide order dated 30.03.2016 (Annexure P-7).

(iii) The petitioner then carried the matter further by filing a revision petition before the respondent No.1 – learned Financial Commissioner, Punjab. Vide order dated 28.04.2017 (Annexure P-11), the revision was dismissed, though liberty was reserved to the petitioner to file a restoration application before the learned Collector.

(iv) Thereafter, the petitioner invoked the writ jurisdiction of this Court by filing CWP No.27095 of 2017, assailing the orders of the learned Financial Commissioner as well as of the learned Collector. This Court, vide order dated 11.12.2017 (Annexure P-13), dismissed the writ petition, thereby affirming the order dated 28.04.2017 passed by the Financial Commissioner.

(v) Subsequently, the petitioner moved an application for restoration of appeal before the learned Collector. The same was dismissed vide order dated 22.07.2019 (Annexure P-14).

(vi) Aggrieved, the petitioner once again approached this Court by filing CWP No.18650 of 2020, wherein the order dated 22.07.2019 was assailed. This Court, however, while adjudicating the writ petition, inadvertently set aside the order dated 28.04.2017 (Annexure P-11) passed by the Financial Commissioner, and remanded the matter back for fresh decision on merits. The said order dated 05.11.2020 (Annexure RA-1) is now under review in the instant proceedings.

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SUBMISSIONS ON BEHALF OF THE APPLICANT

3. Learned counsel appearing for the applicant has sought review of the order dated 05.11.2020 primarily on the following grounds:

(i) That this Court, vide the impugned order dated 05.11.2020, inadvertently set aside the order dated 28.04.2017 (Annexure P-11) passed by the Financial Commissioner. The said order had already attained finality by virtue of the judgment of this Court dated 11.12.2017 in CWP No.27095 of 2017 (Annexure P-13), and was never subjected to challenge thereafter.

(ii) Once the writ petition against the order dated 28.04.2017 had been dismissed and finality attached to the same, the only remedy available to the petitioner, if aggrieved, was to prefer an intra-Court appeal before the Hon'ble Division Bench.

(iii) That CWP No. 18650 of 2020 itself was not maintainable in the form it was filed. The appropriate remedy for the relief sought was to invoke the revisional jurisdiction of the Financial Commissioner under Section 16 of the Punjab Land Revenue Act, 1887, and not to approach this Court directly.

SUBMISSIONS ON BEHALF OF THE NON-APPLICANT

4. Per contra, learned counsel appearing for the non-applicant/petitioner has opposed the review application, contending that the petitioner has already moved a review petition before the learned Financial Commissioner against the order dated 22.07.2019 and the same is under consideration. Therefore, according to him, the present review application may not serve any fruitful purpose. However, the learned counsel does not dispute the factual position that the order dated 20.04.2017 was never under challenge and had indeed attained finality vide order dated 11.12.2017 passed in CWP No.27095 of 2017.

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5. I have heard learned counsel for the parties and perused the material available on record.

6. At the outset, it is significant to note that this Court, while deciding CWP No.18650 of 2020, proceeded to set aside the order dated 28.04.2017 of the Financial Commissioner and remanded the matter back to him for decision on merits. This course was clearly inadvertent and erroneous inasmuch as the said order had already been conclusively affirmed by this Court in CWP No.27095 of 2017 vide judgement dated 11.12.2017 and was no longer open to challenge.

7. In fact, the order that was assailed in CWP No.18650 of 2020 was the order dated 22.07.2019 passed by the learned Collector, and not the earlier order of 28.04.2017. Thus, the remand to the Financial Commissioner was an apparent error on the face of the record.

8. Reference may be made to the judgment of this Court in **'Keshav Kaushik vs. State of Haryana and others' 2012 (2) SCT 197**, wherein it was held that the High Court, while exercising its writ jurisdiction under Article 226 of the Constitution of India, being a Court of record and of plenary jurisdiction, possesses inherent powers to correct its own record and to exercise review jurisdiction in appropriate cases.

9. Order XVII Rule 1 of the Code of Civil Procedure, provides for review of a judgement or an order in the following circumstances:

(a) Discovery of new and important matter or evidence which, despite due diligence, was not within the knowledge of the applicant or could not be produced at the time when the order was made;

(b) On account of some mistake or error apparent or the face of the record; and

(c) For any other sufficient reason.

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10. The present case squarely falls within Clause (b), namely, ‘error apparent on the face of the record’.

11. In view of the above discussion, this Court finds that the order dated 05.11.2020 (Annexure RA-1) suffers from an error apparent on the face of the record. The said order is accordingly set aside.

12. Since the petitioner has already availed his remedy by filing a review petition before the learned Financial Commissioner against the order dated 22.07.2019, which is presently pending adjudication, it is clarified that the Financial Commissioner shall decide the said review petition on its own merits, uninfluenced by any observations made in the order dated 05.11.2020.

13. The review application is, thus, allowed in the above terms.

(MANJARI NEHRU KAUL)
JUDGE

August 28, 2025
rps

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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