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

CWP-9704-2025 (O&M)**Date of Decision: 12.05.2025**

Hardial Singh and others

....Petitioners

Versus

Financial Commissioner (Revenue), Punjab and others

....Respondents

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

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

HARSH BUNGER, J. (Oral)

The present petition has been filed under Articles 226 and 227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 23.04.2024 (Annexure P-3) passed by respondent No.1, whereby the main case bearing ROR No.218 of 2020 was dismissed in default and order dated 03.12.2024 (Annexure P-6) passed by respondent No.1, whereby the application bearing CM No.77 of 2024 filed for restoration of ROR No.218 of 2020 has also been dismissed.

A further prayer has been made to restore the main case (ROR No.218 of 2020) to its original number.

2. Briefly, the petitioners filed a Revision Petition (ROR No.218 of 2020) before the learned Financial Commissioner challenging the partition proceedings; which was dismissed in default vide order dated 23.04.2024 (Annexure P-3). It appears that thereafter the petitioners filed an application (CM No.77 of 2024) seeking restoration of the main case (ROR No.218 of 2020), however the said application was also dismissed vide order

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dated 03.12.2024 (Annexure P-6), on the ground that the petitioners did not comply with an earlier order for moving an application for dispensing with the service of respondent No.10.

3. Learned counsel for the petitioners submits that an application for dispensing with service of respondent No.10 has already been filed. He further assures that the petitioners would be represented by their counsel on each and every date of hearing as may be fixed by learned Financial Commissioner, Punjab and that no adjournment would be sought.

4. Notice of motion.

5. Mr. Nirmaljit Singh Diwana, who is present in the Court, accepts notice on behalf of the respondent/State and submits that the petitioners have been afforded many opportunities to serve respondent No.10 or to move application for dispensing with his service; however, since the matter was being unnecessarily delayed and on the date fixed i.e. 23.04.2024, since there was no representation on behalf of the petitioners, accordingly, the revision petition (ROR No.218 of 2020) filed by the petitioners was dismissed in default. It is further submitted that the application (CM No.77 of 2024) submitted by the petitioners seeking restoration of the revision petition (ROR No.218 of 2020) was also dismissed for non-compliance of an earlier order of the Court.

6. I have heard learned counsel for the parties and perused the paper book with their able assistance.

7. As regards the order dated 03.12.2024 (Annexure P-6) is concerned, apparently the application bearing CM No.77 of 2024 seeking restoration of the revision petition (ROR No.218 of 2020) has been dismissed merely on the ground that the counsel for the petitioners did not move an application for dispensing with the service of respondent No.10 in

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compliance of an earlier order of the Court, however it is not disputed by learned State counsel that requisite application has been filed.

8. In my considered view, in case the petitioners had filed the requisite application for dispensing with service upon respondent No.10 in revision petition, then the learned Financial Commissioner, Punjab, should have allowed the restoration application, may be subject to certain conditions like imposition of costs, etc. However, no such approach was taken.

9. Be that as it may, I deem it appropriate to set aside orders dated 23.04.2024 and 03.12.2024 (Annexures P-3 and P-6 respectively) passed by the Financial Commissioner, Punjab; resultantly the main revision petition (ROR No.218 of 2020) is ordered to be restored on the board of learned Financial Commissioner, Punjab to its original number and status, subject to payment of costs of Rs.10,000/-, to be paid by the petitioners in the account of ***“Punjab and Haryana High Court Clerks' Bar Association (Account No.65004775776, S.B.I. High Court Branch)”***.

9.1 Petitioners are directed to appear before the Financial Commissioner, Punjab through his counsel on 28.05.2025 or any other date as may be fixed by the Financial Commissioner.

10. The instant Writ Petition is disposed of, accordingly.

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

12.05.2025*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No