

2025:PHHC:101286



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

**CWP-10947-2025
Date of Decision: 05.08.2025**

Vinod Kumar

..... Petitioner

Versus

Financial Commissioner (Revenue), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Navdeep Singh Dhillon, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

Mr. S.P.S. Tinna, Advocate
for respondent No.3.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 22.11.2023 (Annexure P-15) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, respondent No.3 – Sohan Lal filed an application seeking partition of land comprised in Khewat Nos.454, 406, 96, 292, 290 and 185 (as per Jamabandi for the year 2011-12), situated at Village Amarpura, Tehsil Fazilka, District Abohar.

3. In the said partition proceedings, the petitioner was proceeded against *ex parte* and a final partition order dated 16.01.2018 (Annexure P-12) was passed by the learned Assistant Collector, Ist Grade, Abohar. The said proceedings culminated in the drawing of the *Sanad Takseem* (Instrument of Partition) dated 26.02.2018 (Annexure P-13).

4. Feeling aggrieved against the aforesaid partition proceedings and *Sanad Takseem*, the petitioner preferred a revision petition (ROR No.593 of 2018) before the learned Financial Commissioner (Appeals), Punjab, which was dismissed vide order dated 22.11.2023 (Annexure P-15).

5. In the aforementioned circumstances, petitioner has filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove.

6. The sole contention raised by learned counsel for the petitioner is that the petitioner was wrongly proceeded against *ex parte* due to the mention of an incorrect address of Village Amarpura, Tehsil Fazilka, District Abohar, whereas, he is a resident of House No.273, Guru Nanak Nagar, Mandi Dabwali, Sirsa.

7. I have considered the aforesaid submission made by learned counsel for the petitioner, however, I do not find any merit in the same. Learned counsel for the petitioner has not referred to any revenue record pertaining to the land under partition to demonstrate that the petitioner's correct address, as now claimed, was recorded therein. Further, learned counsel has not placed on record any material/document to show that respondent No.3 was aware of the petitioner's correct address and had willfully provided the incorrect address of petitioner.

7.1 It is not disputed before this Court that the petitioner's mother and brother actively participated in the partition proceedings. Despite a proclamation (*mustari munadi*) being made in the village, the petitioner failed to appear in the partition proceedings. Moreover, even in the present writ petition, the address of petitioner is mentioned as Village Amarpura, Tehsil Fazilka, District Abohar, and not Mandi Dabwali, Sirsa.

8. Keeping in view the aforesaid facts and circumstance, I find no merit in the present writ petition and the same is accordingly dismissed.

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

05.08.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No