



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

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**CM-5021-LPA-2025 in/and
LPA-2022-2025 (O&M)
Decided on : 03.09.2025**

SUSHMA RUSTAGI AND ANR

. .Appellants

Versus

FINANCIAL COMMISSIONER AND ORS.

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

**PRESENT: Mr. J. P . Sharma, Advocate for
Mr. Anil Kumar Sharma, Advocate for the appellants.**

HARSIMRAN SINGH SETHI , J. (Oral)

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The prayer in the present applications filed by applicant-appellants is for condonation of delay of 01 day in filing the present appeal i.e. LPA No. 2022 of 2025.

Keeping in view the averments enumerated in the application, which are duly supported by an affidavit, the same is allowed. Consequently, the delay of 01 day in filing the present appeal i.e. LPA No. 2022 of 2025 is condoned.



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1 In the present appeal, the challenge is to the order dated 28.01.2025 passed by learned Single Judge, by which, CWP No. 1899 of 2025 filed by the petitioner/appellant challenging the order dated 06.12.2014 (Annexure P-5), orders dated 21.04.2016/26.05.2016 (Annexure P-7) passed by learned Assistant Collector IInd Grade, Rewari and also the order dated 20.12.2023 (Annexure P-10) passed by the learned Financial Commissioner of Haryana qua the partition proceedings has been dismissed.

2. Learned counsel for the appellants submits that though, it is a conceded fact that the appellants were proceeded ex-parte during the partition proceedings but, the partition of the land in question has not been done in a judicial manner and the land holding more value has been given to the respondent which is causing prejudice to the appellant.

3. Learned counsel for the appellants further argues that though, the appellants initially joined in the partition proceedings but later on, they abstained from joining in the said proceedings on the ground that there was a dispute pending with regard to the possession of certain land which was to be partitioned, hence, the revenue authorities as well as the learned Single Judge, failed to appreciate the said fact while rejecting the prayer of the petitioner for setting aside the partition proceedings which was proceeded ex-parte so as to re-open the same for adjudication by giving an opportunity to the appellants to present their objections qua the partition proceedings which would be in consonance with principles of Natural Justice.

4. We have heard learned counsel for the appellants and have gone



through the case file with his able assistance.

5. It is a conceded fact that when the partition proceedings were initiated, the same was in the knowledge of the appellants and initially the appellants had joined the partition proceeding but thereafter, they abandoned the same and were consequently proceeded exparte.

6. Once, the appellants chose to not to contest qua their right in the partition proceedings, the orders passed by the revenue authority which was passed as per the due process envisaged under Law, the same cannot be reopened only on the asking of the appellants on any ground which was permissible with the appellants to raise before the authorities when the partition proceedings were pending.

7. Further, the argument which was raised by learned counsel for the appellant is that certain dispute qua the possession of the land was pending before the revenue authorities and therefore, the appellants chose not to participate in the partition proceedings. The same is not a valid ground to abstain oneself from joining in the proceedings.

8. Even if, there was a dispute pending qua the possession of certain land, when the proposal was raised, the same should have been highlighted before the authorities concerned and the same should have been brought to the notice of the authorities concerned as well so as to give the authorities concerned the scope to decide upon the same while adjudicating upon the partition proceedings so as to partition the land between the co-sharers.

9. Further, the judgments and orders passed by the authorities can only be interfered in case the same are shown to be perverse to the facts on record or law. In the present case, no perversity has been shown to this Court



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by the learned counsel for the appellants while addressing the argument qua the order passed by the revenue authorities sanctioning the partition between the co-sharer as well as order passed by learned Single judge that the same are contrary to the facts, evidence on record or the settled principle of law.

10. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

11. Accordingly, the present appeal is dismissed.

12. Pending civil miscellaneous application, if any, stands disposed of.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

03.09.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No