



LPA-1524-2017 (O&M) &
LPA-2399-2017 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205 (02 cases)

LPA-1524-2017 (O&M)
Date of Decision :22.12.2025

Dalip Singh (since deceased) and others

...Appellants

Versus

State of Punjab and others

...Respondents

LPA-2399-2017 (O&M)

Jaspal Singh and others

...Appellants

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Parvinder Singh, Advocate for the appellants
in LPA-1524-2017.

Mr. Prateek Gupta, Advocate for the appellants
in LPA-2399-2017.

Mr. Rahul Rampal, Addl. A.G. Punjab.

Mr. M.S. Khaira Sr. Advocate
(joined through video conferencing)
with Mr. Jaswinder Singh, Advocate
for respondent No.9 (i) 10 & 11 in LPA-1524-2017.

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Harsimran Singh Sethi, J. (Oral)

CM-3254-LPA-2017 & CM-5314-LPA-2017

1. Present applications have been filed in the respective appeals

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for condonation of delay in filing the respective appeal.

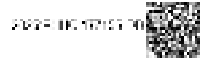
2. Keeping in view the averments made in the applications, which are duly supported by an affidavit, the applications are allowed. Delay in filing the respective appeal is condoned.

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3. In the present appeals, challenge is to the order dated 04.10.2016 passed by the learned Single Judge of this Court in CWP-16594-1994 and CWP-13395-2024 by which, on the basis of the agreement between the parties, the said writ petitions were disposed of in terms of the judgment of the Full Bench of this Court in **Sardara Singh and others vs. The Financial Commissioner and others, 2008 (2) RCR (Civil) 744** as well as order dated 21.07.2017 passed by learned Single Judge of this Court by which, the review petition filed against the said judgment dated 04.10.2016 was also dismissed.

4. Aggrieved against the decision dated 04.10.2016, an LPA No.194-2017 was filed wherein, no relief was given to the appellants(s) but liberty was given to them to approach the learned Single Bench of this Court. Thereafter, a review was filed being RA-CW-147-2017 for reconsidering the order dated 04.10.2016 passed by the Court, which was also dismissed vide order dated 21.07.2017 leading to the filing of the present appeals.

5. Learned counsel for the appellant(s) submits that once, the counsel who conceded the factum that the issue is covered by the judgment in **Sardara Singh (supra)**, was not engaged by appellants, coupled with the fact that the Court is required to decide the issue on merits hence, the order



dated 04.10.2016 passed by learned Single Judge of this Court on the wrong concession given by the Court and the order dated 21.07.2017 in review application needs to be set aside.

6. Learned counsel for the respondents submits that once, it was agreed upon between the parties before the learned Single Judge of this Court that the issue raised in the writ petition was covered by the Judgment in the case of Sardara Singh (supra), disposing of the said writ petition in terms of Sardara Singh (supra) is perfectly valid and legal.

7. We have heard learned counsel for the parties and have gone through the record with their able assistance.

8. Once, the dispute arises qua the aspect that another counsel who appeared on behalf of the writ petitioner had jurisdiction to make said statement or not, coupled with the fact that in the appeal, the applicability of the judgement in Sardara Singh (supra) is being disputed along with the assertion that there was other issue also raised in the said writ petition, it would be proper that the writ petition is decided by the learned Single Judge of this Court by examining the said contention being raised on behalf of the appellant(s).

9. Keeping in view the above, order dated 04.10.2016 and 21.07.2017 passed by the learned Single Judge of this Court is set aside and the cases are remanded back to the learned Single Judge of this Court for adjudication of the issue raised in the said writ petitions. As the writ petitions are pending since long, learned Single Judge of this Court is requested that in case possible, the same be decided as expeditiously as possible.

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10. With regard to the application CM-35-LPA-2023, the applicant is free to avail appropriate remedy as available under law.
11. Civil miscellaneous application pending, if any, is also disposed of.
12. A photocopy of this order be placed on the file of connected case.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

December 22, 2025
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Whether speaking/reasoned : Yes
Whether reportable : No