

126 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-28044-2025 (O/M)  
Date of decision : 19.09.2025

Rajinder Singh ..... Petitioner

Versus

State of Punjab and others ..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Ms. Dhivya Jerath, Advocate  
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Rajinder Singh) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 24.02.2023 (Annexure P-2), passed by learned Financial Commissioner (Appeals), Punjab (in short 'Financial Commissioner') in a revision petition (ROR-716-2021), whereby aforesaid revision petition was dismissed in default.

1.1 A further prayer has been made for setting aside the order dated 23.08.2024 (Annexure P-1), whereby the application for restoration of the revision petition has also been dismissed by learned Financial Commissioner.

2. Briefly, the petitioner filed a revision petition (ROR-716-2021), challenging the partition proceedings in respect of land, situated at village Dalam, Tehsil Batala, District Gurdaspur. The

aforesaid revision petition came to be dismissed in default by the learned Financial Commissioner, vide order dated 24.02.2023 (Annexure P-2).

2.1 Thereafter, the petitioner filed an application seeking restoration of main revision petition by way of recalling of the order dated 24.02.2023 (Annexure P-2), however, the same was also dismissed, vide order dated 23.08.2024 (Annexure P-1).

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court for the relief (s), as noticed hereinabove.

4. Learned counsel for petitioner submits that non-appearance of the counsel for petitioner before learned Financial Commissioner in the aforesaid revision petition (ROR-716-2021) was on account of the reason that the said counsel was appearing before Punjab and Haryana High Court in some matter and on that account, the counsel for petitioner could not appear before learned Financial Commissioner when the matter was called out on the dates fixed in the main revision and also when application for restoration was listed. It is submitted that non-appearance of the petitioner before learned Financial Commissioner was wholly inadvertent and not in any case to derive any undue benefit. It is further submitted that learned Financial Commissioner should have granted at least one opportunity, may be subject to certain terms like imposition of costs etc., however, no such recourse was taken. Learned counsel for petitioner assures that if the matter is restored, the petitioner would regularly appear before learned Financial Commissioner through a counsel in the subsequent hearing and would not seek unnecessary

adjournments. Accordingly, prayer has been made for setting aside the impugned order(s).

5. Keeping in view the assurance(s) given by learned counsel for petitioner and also the well established position that matters should be decided on its merit rather than technicalities, so as to bring finality to the rights of the parties; I deem it appropriate to set aside the order dated 24.02.2023 (Annexure P-2) and order dated 23.08.2024 (Annexure P-1), passed by learned Financial Commissioner and further restore the revision petition (ROR-716-2021) on the board of learned Financial Commissioner (Appeals), Punjab to its original number and status; however, subject to payment of costs of Rs. 50,000/-, to be deposited by the petitioner in the account of Punjab and Haryana High Court Bar Association Lawyers' Family Welfare Fund (Account No. 41564846387, SBI High Court Branch), within a period of four weeks from today.

6. In the event of failure to pay the costs within the aforesaid period, this petition would stand automatically dismissed and order dated 24.02.2023 (Annexure P-2) and order dated 23.08.2024 (Annexure P-1), passed by learned Financial Commissioner, shall remain intact.

7. The petitioner is directed to appear before learned Financial Commissioner (Appeals), Punjab through his counsel on 08.10.2025 or any other date as may be fixed by learned Financial Commissioner (Appeals), Punjab.

8. It is made clear that restoration of the revision petition will not mean that the learned Financial Commissioner is barred in any manner from proceeding in the matter, in accordance with law.

9. The instant civil writ petition is disposed of in the aforesaid terms.

10. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)  
JUDGE

19.09.2025  
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No