

2025:PHHC:151541



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

CWP-31300-2025 (O&M)
Date of decision :03.11.2025

RAM KANWAR AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. T.K. Gupta, Advocate
for the petitioners.

Mr. Abhimanyu Antil, D.A.G., Haryana.

HARSH BUNGER, J. [ORAL]

CM-16007-CWP-2025

This is an application for placing on record *zimni* orders dated 15.02.2025, 06.03.2025, 11.03.2025, 18.03.2025 as Annexure P-9 and order dated 25.03.2025 as Annexure P-10.

For the reasons recorded in the application, the same is allowed and Annexures P-9 and P-10 are taken on record, subject to all just exceptions.

CWP-31300-2025 (O&M)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for setting aside the order dated 10.09.2025 (Annexure P-8) passed by the learned Commissioner, Gurugram Division, Gurugram.

A further prayer has been made for setting aside the orders dated 25.03.2025, 28.04.2025 (wrongly mentioned as 24.08.2025), 01.05.2025, 07.05.2025 and 16.05.2025 (Annexures P-1 to P-5, respectively) passed by the learned Assistant Collector Ist Grade, Rewari (in short 'the Assistant Collector') in the partition proceedings.

2. Briefly, respondent No.4-Rajender and others filed an application for partition of joint land situate at village Bariawas, Tehsil and District Rewari. It is noticeable that the petitioners have neither attached the partition application nor has placed on record the revenue record regarding the land under partition, in the instant writ petition.

3. Be that as it may, it appears that the present petitioners were proceeded against *ex-parte* in the afore-said partition proceedings vide order dated 25.03.2025 (Annexure P-1) passed by the learned Assistant Collector. Thereafter, the mode of partition came to be sanctioned vide order dated 28.04.2025 (Annexure P-2), which was followed by approval of *naksha bey* vide order dated 01.05.2025 (Annexure P-3) and *naksha zeem* vide order dated 07.05.2025 (Annexure P-4). The partition proceedings appear to have been culminated with the drawing of *sanad takseem* dated 16.05.2025 (Annexure P-5).

3.1 It is averred by the petitioners that they came to know about the afore-said partition upon receiving a notice dated 10.07.2025 in the execution proceedings whereupon, they obtained the certified copies of the relevant documents and filed a revision petition before the learned Commissioner, Gurugram Division, Gurugram.

3.2 It transpires that the afore-said revision petition filed by the petitioners has been dismissed by the learned Commissioner vide order dated 10.09.2025 (Annexure P-8). Hence, the present writ petition.

4. Heard.

5. The sole ground raised by learned counsel for the petitioners is that the petitioners have not been served as per the provisions contained in Section 20 of the Haryana Land Revenue Act.

6. Having gone through the paper-book and also the impugned orders, it is observed that the similar ground was raised by the petitioners before the learned Commissioner as well and the same has been duly considered and rejected vide order dated 10.09.2025 (Annexure P-8) by observing as under :-

“Upon hearing the arguments of the learned counsels for both the parties and upon perusal of the record of the lower court, it has been found that the revisionists have filed the revisions mainly by raising objection that by not adopting the complete procedure of notice to the revisions in the application for partition of land by taking wrong exparte proceedings on the basis of the notice sent on whatsapp, the orders under revision have been passed by the lower court.

On page No.101 and 103 of the file of the lower court, the notices of the first revisionists are available on which the notice of first revisionist has been received by his son Vijay Kumar and second revisionist Vijay Kumar son of Ram Kanwar himself has received the notice, on which there are signatures of Parveen Kumar Sewadar and Leelu Ram Chowkidar and similarly the notices of the revisionists/respondents bearing No.1, 3, 4, 5, 6, 10 of the second revision are available on page No.79 to 80, which have been sent through whatsapp on their mobile number by process server Parveen Kumar Sewadar and there are signatures of Parveen Kumar Sewadar and Harpal Singh Lambardar on the notice. Besides this, the double tick printed document of notice sent through whatsapp is available, from which it is clear that the revisionists were having complete knowledge regarding the application for partition.

In accordance with the guidelines issued by the Hon'ble Punjab and Haryana High Court, Chandigarh in the case titled as "Amar Singh Versus Sanjeev Kumar decided on 26.05.2023" the summons/notice sent through electronic mode have been held to be legal, due to which the exparte proceedings conducted by the lower court against the revisionists is justified. Therefore, there is no discrepancy in the orders dated 25.03.2025, 28.04.2025, 01.05.2025, 07.05.2025 and 16.05.2025 under revision, on account of which upon finding both the revisions being baseless are hereby dismissed. A copy each of this order be retained with both the revisions. The record of the lower court be returned. Upon hearing arguments of both the parties in this case, the order of the case had been kept reserved. Therefore, regarding this order both the parties may be informed. The file after due compliance may be consigned to the record room."

6.1 That apart, I have also gone through the directions issued by this Court vide order dated 26.05.2023 passed in **COCF No.959 of 2023** titled as **Amar Singh Versus Sanjeev Kumar**, relevant extract of which reads as under :-

"It is a matter of common knowledge that a person, who is in possession of the land and want to avoid the finalization of partition proceedings under the Punjab Land Revenue Act or Eviction proceedings either under the Punjab Village Common Land Act, Punjab Tenancy Act or any similar Act where the original jurisdiction lie with the Assistant Collector Ist Grade and Assistant Collector IInd Grade and further appeal is provided before the Collector/Commissioner/Financial Commissioner, the proceedings remained in abeyance just to await the original record before the Court of original jurisdiction.

Another mode adopted for delaying the proceedings is non-effecting of the summons on the parties.

Though in various Acts, as a matter of practice, munadi (with the help of beat of drum) is a substituted mode of service,

however, in the present scenario, the same has become obsolete.

The Hon'ble Supreme Court in "**Krishna VeniNagam vs Harish Nagam**", 2017(2) RCR (Civil) 358, has held that the service to a litigant can be effected through e-mail/phone number.

Similar view is taken by the Hon'ble Supreme Court in "**In Re Cognizance For Extension of Limitation**", 2020(9) SCC 468, wherein it has been stated that service of all notices, summons and exchange of pleadings, may be effected by e-mail, FAX, commonly used instant messaging services, such as WhatsApp, Telegram, Signal, etc.

Therefore, it is the need of the hour that in order to avoid any undue disposal of the proceedings pending before the Revenue Courts wherein the intention of a party in possession is to delay the proceedings by adopting one or the other tactic, it is necessary to issue the following directions to both the Chief Secretaries for the States of Punjab and Haryana, as well as the Administrator, U.T., Chandigarh, to the following effect to issue necessary guidelines to all the Revenue Courts, defined under all the local Acts:-

- 1. The service of notices, summons and exchange of pleadings may be effected by e-mail, FAX and commonly used instant messaging services like WhatsApp, Telegram, Signal, etc.**
- 2. While accepting the pleadings, all the Revenue Courts will insist upon the parties, as well as their Advocates representing them to provide their e-mail address, Phone number with WhatsApp including similar information for the respondents, so far available with the litigant.**
- 3. In future, all the notices to the Lawyers may be issued on e-mail or commonly used instant messaging services.**
- 4. Where the party is avoiding the service, the procedure of munadi be done away being an obsolete**

procedure in the wake of advancement of technology and if the service of the summons is not effect on the very next date, by adopting the aforesaid methods additionally to the discretion of the Revenue Courts, publication be ordered in a newspaper.

5. So far as the filing the appeals/revisions under the Act is concerned, the original record may not be requisitioned by the Appellate/Revisional Court and only the scanned copy/photocopy of the record be sent to the Appellate/Revisional Court, so that the Court at first instance i.e. the Assistant Collector Ist Grade or the Assistant Collector IInd Grade or the Collector, as the case may be, may continue with the proceedings unless there is a stay by the Appellate/Revisional Court.

The Registrar General of this Court is directed to communicate this order to both the Chief Secretaries for the States of Punjab and Haryana as well as the Administrator, U.T. Chandigarh, for necessary compliance to all the concerned and file a compliance affidavit in this regard, on the next date of hearing.”

7. Learned counsel for the petitioners has failed to dislodge the afore-said observations made by the learned Commissioner in its order dated 10.09.2025 (Annexure P-8) as regards service upon the petitioners herein by referring to any material whatsoever. Evidently, notices issued to the petitioners were duly served upon them and the service upon the other co-sharers in the partition application has been carried out in terms of the above-extracted directions issued in *Amar Singh's* case (*supra*).

8. At this stage, another submission has been made by learned counsel for the petitioners that petitioner No.1 is an old man of about 89 years of age and is suffering from *paralysis* and in this regard, he has referred to Annexure P-6 i.e. Medical certificate, the relevant extract of

which reads as under :-

“MEDICAL CERTIFICATE

This is to certify Mr. Ramkawar Yadav S/o Ram Jivan R/o Village Jaliyawas, Rewari (Hr.) was diagnosis to have Hypertensive bleed in left thalamic region and was admitted from 14.08.2021 to 17.08.2021 and undergoing treatment in our hospital on OPD basis. Due to the nature and severity of the condition, patient was unable to walk and required assistance for mobility and daily activities during and after the course of hospitalization.

Rewari

10.11.2025

Dr. S.N. Manikandan

M.B.B.S. M.Ch (Neuro)"

8.1 A perusal of the above-extracted medical certificate would show that the same has been obtained on 10.11.2025 and it refers to some medical issue of petitioner No.1 suffered by him in the year 2021. Be that as it may, the said submission of the learned counsel for the petitioners regarding the medical condition of petitioner No.1 does not take away the effect of service upon the petitioners and also the finding of fact recorded by the learned Commissioner that as per pages 101 and 103 of the lower Court record, the notice on behalf of petitioner No.1-Ram Kanwar had been received by his son Vijay Kumar and for petitioner No.2-Vijay Kumar, he had himself received the notice. The said notices are further stated to bear the signatures of Parveen Kumar, Sewadar and Lilu Ram, Chowkidar.

9. Since the petitioners were served in the partition proceedings and despite being aware of the partition proceedings, they having failed to participate therein, no fault can be found with the order dated 25.03.2025

(Annexure P-1) passed by the learned Assistant Collector whereby, petitioners were proceeded against *ex-parte* in the partition proceedings.

9.1 That apart, the petitioners have not referred to any material to demonstrate as to what prejudice has been caused to the petitioners by the manner in which the final partition has been carried out.

10. No other point has been urged.

11. Considering the totality of circumstances, I find no merit in this petition and the same is, accordingly, dismissed.

12. All pending applications (if any) shall also stand closed.

November 03, 2025
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No