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

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CWP-5180-2026 (O&M)

Date of decision: 16.04.2026

Jasbir Kaur and others

....Petitioners

Vs.

Financial Commissioner (Appeals), Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ranjit Saini, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

HARSH BUNGER J. (Oral)

1 Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the partition proceedings including the order dated 07.10.2022 (Annexure P-4) passed by learned Assistant Collector 1st Grade, Tanda, District Hoshiarpur; order dated 25.07.2025 (Annexure P-9) and order dated 17.10.2025 (Annexure P-10) passed by learned Financial Commissioner (Appeals), Punjab, whereby, a revision petition as well as review application filed by the petitioners against the partition proceedings has been dismissed respectively.

2. Briefly, respondent No.3 – Baljit Singh is stated to have filed an application seeking partition of joint land measuring 06 kanal - 06 marla comprised in Khewat No.252/245, situated at village Khakh, Tehsil Dasuya, District Hoshiarpur.

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3. In para No.3 of the writ petition, it is conceded by the petitioners that they appeared in the aforesaid partition proceedings. It is further stated, therein, that the petitioner No.1 is not the original co-sharer but only purchased the land from petitioner No.2.

4. It transpires that, in the aforesaid partition proceedings, mode of partition came to be approved on 04.08.2022 (Annexure P-3), which was a common mode of partition for several khewats, the relevant extract of which reads as under:-

“1. The Partition will be done after consolidating the Khewat No.1/1 Min, 3/3, 4/4, 5/5, 7/7, 10/1, 10 Min, 11/11, 75/75, 186/180 and 252/245 the total partition area is 86 Kanal 17 Marlas.

2. The partition will be done by keeping the possession intact of the respective parties. The parties who have sold their road side from portion of land is not entitled to front portion of land. The land will be allotted to the parties as per their possession.

3. The partition of applicants land will be carved out separately from the respondents. The Kurra of Gurdev Singh, Harjinder Singh, Harbhajan Singh and Jaswant Singh be prepared jointly and will be carved separate Kurra to Amarjit Singh and Parminder Singh be prepared and the joint Kurra of Tarlok Singh, Sukhwinder Kaur and Sodhi Singh be prepared. The rest of respondent be kept as usual.

4. Any structure or well/tubewell will go with the partitioned land.

5. The tree will also go with partitioned land.

6. That passage of 2 Karam width will be provided from the land of common pool.



7. *The partition will be done as per rules of the consolidation of holding.*
8. *Any excess or shortage will be fulfilled from the adjacent land.*
9. *The excess or deficiency of two marlas will be ignored.*
10. *The vendee/purchaser will be accommodated under the seller.*
11. *If any co-sharer has sold more than his share, the last vendee will be affected.*
12. *The Co-sharer who is not owner in a particular Khewat will not be allotted any land from that Khewat, while applying this principle if a vendee is found to have purchased more land than the share of seller, in that extent the vendee will be compensated from the other Khewat of the seller.*
13. *The mortgagor will be responsible for the mortgage. The interest of the Bank/Mortgage will be protected. If any co-sharer has mortgaged an area, every possible effort will be made to allot the same area to that co-sharer. If due to the good and inferior quality of land or in case of excess possession, the possession of the land is taken from that co-sharer and in that case, the mortgagee will have the first charge over the land which has been allotted to the mortgagee.*
14. *In case of written compromise between the parties, the partition will be effected as per the terms and conditions of the agreement/compromise.*
15. *If any party intends to get his portion carved out separately can do so before the submission of Naksha Bey by the Field Kanungo, can do so by moving an application to this effect in this Court.*
16. *Partition will be carried out under the Supervision of Field Kanungo/Patwari concern.”*

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5. On the basis of the aforesaid mode of partition, *Naksha Bey* and *Naksha Jeem* were approved and final partition order dated 07.10.2022 (Annexure P-4) was passed.

6. Thereafter, the petitioners No.4 and 5 along with others filed an appeal against the partition order dated 07.10.2022 (Annexure P-4) before the learned Collector, Dasuya, which was dismissed vide order dated 16.10.2023 (Annexure P-5), primarily on the ground that after the issuance of *Sanad Takseem*, no appeal lies before the learned Collector.

7. Thereafter, the present petitioners filed revision petition (ROR No.1333 of 2023) before the learned Financial Commissioner, (Appeals), Punjab, challenging the partition order dated 07.10.2022, which has been dismissed vide order dated 25.07.2025 (Annexure P-9). Even, an application bearing No.40 of 2025, seeking review of the aforesaid order dated 25.07.2025 (Annexure P-9) has been dismissed vide order dated 17.10.2025 (Annexure P-10).

8. In the aforementioned circumstances, present petition has been filed before this Court, for seeking relief(s) as noted hereinabove.

9. Learned counsel for the petitioners has raised only one argument that the respondent No.3 had filed only one application for partition of area measuring 06 kanal - 06 marla comprised in khewat No.252/245; however, the final partition has been carried out in respect of land measuring 86 kanal - 17 marla.

9.1 I have considered the aforesaid contention raised on behalf of the learned counsel for the petitioners.

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10. Apparently, a common mode of partition for separate khewats i.e. Khewat No.1/1 Min, 3/3, 4/4, 5/5, 7/7, 10/1, 10 Min, 11/11, 75/75, 186/180 and 252/245, total area measuring 86 Kanal 17 Marlas, came to be approved vide order dated 04.08.2022 (Annexure P-3) passed by learned Assistant Collector 1st Grade, Tanda. Apparently, the said mode of partition attained finality and on that basis, *Naksha Bey* followed by *Naksha Jeem* came to be approved and final order of partition was passed on 07.10.2022 (Annexure P-4).

11. During the course of hearing, learned counsel for the petitioners has not disputed the fact that in fact, for all the said khewats, separate partition applications were filed and a common mode of partition was proposed. Once, there were separate applications seeking partition of different khewats, wherein, the total area comes to 86 kanal - 17 marla, even the mode of partition was prepared in respect of 86 kanal - 17 marla area only, which attained finality and no objections are shown to have been submitted to the proposed to *Naksha Bey* and *Naksha Jeem*; accordingly, no fault can be found with the partition proceedings as such.

12. That apart, learned counsel appearing for the petitioners has failed to point out as to what serious prejudice has been caused to the petitioners by the manner in which the partition has been carried out or the manner in which the area has been allocated to the respective co-sharers.

13. Even, the learned Financial Commissioner (Appeals), Punjab, while rejecting the revision petition preferred by the petitioners has returned the following findings:-



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“5. I have considered the arguments advanced by the counsel for both the parties and also perused the orders of the lower Court. It is found that the proper service was done as well as munadi was done in the village where the land in dispute is situated. The petitioners have failed to come present in the partition proceedings after giving the statement for keeping the possession of the parties intact. Further, the petitioners did not raise any objections on mode of partition as well as on Nakshas. At this revisional stage, the petitioners cannot be allowed to raise the objections on mode of partition. The partition has been done by keeping in view the law of natural justice as land has been divided as per quality, nature and share. There is no illegality in the orders passed by the lower Courts.

6. Accordingly, the revision petition is dismissed being devoid of merit. The orders passed by lower Courts are upheld.”

14. Learned counsel for the petitioners has failed to dislodge the observations made by learned Financial Commissioner (Appeals), Punjab.

15. No other arguments has been raised.

16. Considering the totality of circumstances, I see no compelling reason, which may warrant interference by this Court in the present proceedings. Resultantly, the instant writ petition fails and the same is accordingly **dismissed**.

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

(HARSH BUNGER)
JUDGE

16.04.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No