



CWP-8604-2026 (O&M)

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

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CWP-8604-2026 (O&M)

Date of decision: 20.03.2026

Kulwant Kaur and others

....Petitioners

Vs.

Financial Commissioner (Appeals), Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ranbir Singh Sekhon, Advocate
for the petitioners.

Mr. Navneet Singh, Addl. A.G. Punjab.

HARSH BUNGER J. (Oral)

1 Petition herein is, filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for setting aside the order dated 05.04.2024 (Annexure P-4) whereby the revision petition preferred by the petitioner was dismissed in default..

1.1 A further prayer has been made for setting aside the order dated 04.07.2025 (Annexure P-5) passed by learned Financial Commissioner (Appeals), Punjab, whereby application for restoration of the revision petition (ROR No. 414 of 2023) has also been dismissed.

2. Briefly, the petitioners challenged the partition proceedings/orders by filing a revision petition (ROR No. 414 of 2023)

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which was dismissed in default vide order dated 05.04.2024 (Annexure P-4). Thereafter, petitioners filed an application (MA No. 77/2025) in the aforesaid revision petition (ROR No. 414 of 2023) seeking restoration of the main revision petition; however, the same was dismissed vide order dated 04.07.2025 (Annexure P-5) by observing as under:-

“1. The present miscellaneous application has been filed against order dated 05.04.2024 passed by this Court.

2. The Counsel for the applicant submitted that there is delay of 414 days in filing the present restoration application as the order dated 05.04.2024. The Counsel requested to restore the case.

3. It is found that the main revision petition was filed in the year 2023 but the Counsel for the petitioner did not come present before this Hon’ble Court on any date of hearing since 2023. The main revision petition was pending for more than one year but the case was still pending for preliminary hearing. Case was fixed for preliminary hearing on 05.04.2024. The case was called for twice till the rising of the Court but no one appeared on behalf of the petitioner. It shows the laxity on part of the petitioner. It is further found that there is delay of 414 days in filing the present miscellaneous application. The Counsel for the applicants failed to show sufficient cause in filing the restoration application with such an inordinate delay. This is merely wastage of time of the Court's as well as of the litigants. This casual approach of the litigants or the Counsel cannot be accepted by the Courts.

4. Accordingly, in view of discussion above, the restoration application is dismissed.”

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



4. Heard.

5. Considering the nature of order being passed, at this stage, there is no necessity to seek any response from the private respondents or even to serve private respondents No.2 to 95.

6. Apparently the revision petition preferred by the petitioner was dismissed in default vide order dated 05.04.2024 (Annexure P-4). Even an application seeking restoration of the main revision petition has been dismissed vide order dated 04.07.2025 (Annexure P-5) on the ground of delay.

7. In para 8 of the writ petition, learned counsel for the petitioners has stated the reason for not seeking restoration of the case within the prescribed period. During the course of hearing, learned counsel for the petitioners further assures that the petitioners would be represented through their counsel on each and every date of hearing before the learned Financial Commissioner and that they would not seek unnecessary adjournments.

8. No doubt the petitioners have been negligent in pursuing their case which was initially dismissed in default and even the application seeking restoration of the case was filed after delay of more than 414 days; however, keeping in view the assurance given by the learned counsel for the petitioners and also the well-established position that matters should be decided on its own merits rather than technicalities so as to bring finality to the rights of the parties; I deem it appropriate to set aside orders dated 05.04.2024 and 04.07.2025 (Annexures P-4 and P-5 respectively) passed by the learned Financial Commissioner, Punjab; and restore the main revision

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(ROR No.414 of 2023) on the board of learned Financial Commissioner (Appeals), Punjab, to its original number and status, subject to the payment of costs of Rs.50,000/-, to be paid by the petitioner in the account of ***“Punjab and Haryana High Court Clerks' Bar Association (Account No.65004775776, S.B.I. High Court Branch)”*** within a period of three weeks from today.

8.1. In the event of failure to pay the costs within the aforesaid period, the petition would stand automatically dismissed and the orders dated 05.04.2024 and 04.07.2025 (Annexures P-4 and P-5 respectively) shall remain intact.

9. The petitioners are directed to appear before the Financial Commissioner, Punjab through their counsel on 17.04.2026 or any other date as may be fixed by the Financial Commissioner, Punjab.

10. 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 or as the circumstances may warrant.

11. The present writ petition is disposed of in the aforestated terms.

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

(HARSH BUNGER)
JUDGE

20.03.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No