

2026.PHHC.036174



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

CWP-8576-2025 (O&M)

Date of Decision: 09.03.2026

Bachittar Singh

..... Petitioner

Versus

Financial Commissioner (Revenue), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Surinder Garg, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside the order dated 15.05.2024 (Annexure P-8) passed by the learned Financial Commissioner (Revenue), Punjab, whereby the revision petition (ROR No.639 of 2022) filed by respondent No.5 – Harchand Singh, has been allowed.

2. The operative part of the impugned order dated 15.05.2024 (Annexure P-8) passed by the learned Financial Commissioner (Revenue), Punjab, reads as under:-

“8. I have heard the Ld. Counsels for both the parties and have also perused the orders of the courts below thoroughly. Admittedly, before filing the present partition application, the

respondents-Gurbachan Singh and Bachittar Singh sons of Gurdial Singh & others had already filed an application titled as Roop Singh etc. Vs. Bhagwan Singh etc. seeking partition of the same khasra numbers. The said application (Filed earlier) was adjourned sine-die with the concurrence of the parties by the AC Ist Grade on dated 19.02.2010, due to the pending civil litigation, with the liberty that after decision of civil litigation, any party can get the case reopened. The applicants/respondents No.4-10 by suppressing the fact of the previous pending application, have filed the present partition application. After considering the totality of the circumstances, I am of the considered view that the second partition application was not maintainable. As held by the Collector, the second application is hit by the principle of res-judicata and instead of filing fresh partition application, the respondents/applicants were required to get the previous pending application restored/resumed. The order of the Collector is a detailed and reasoned order. However, Ld. Commissioner, without appreciating the facts of the case and without giving any valid reason has upset the order of the Collector. Resultantly, I have no hesitation in accepting the present petition. The order of the Ld. Commissioner is accordingly set aside and the order of the SDM-cum-Collector is upheld.

9. Before parting with this case, it is mentioned that if any application is moved by the respondents for re-opening of the earlier partition case, the AC Ist Grade, on receipt of such application, shall decide the case in accordance with law, expeditiously and in a time bound manner, after affording reasonable opportunity of being heard to all the co-sharers.”

3. Against the aforesaid impugned order dated 15.05.2024 (Annexure P-8), the instant writ petition was filed by the petitioner; however, the matter was adjourned repeatedly at the request of learned counsel for the petitioner.

4. A perusal of order sheets reveals that on 29.07.2025, the following order was passed by this Court:-

“Learned counsel for the petitioner seeks an accommodation to get instructions as to whether the petitioner is willing to file a fresh application as per the latest Jamabandi/revenue record (as on date), after withdrawing the earlier application.

At his request, adjourned to 04.08.2025.”

5. Thereafter, again the matter was repeatedly adjourned at the request of learned counsel for the petitioner and on 10.12.2025, the following order was passed by this Court:-

“Learned counsel for the petitioner while referring to the order dated 29.07.2025 passed by this Court submits that petitioner is ready and willing to file a fresh application(s) for partition as per the latest Jamabandi/revenue record, after withdrawing the earlier application(s), which shall be done before the next date of hearing. Accordingly, he prays for a short accommodation.

Adjourned to 16.12.2025.”

6. However, till date, the order dated 10.12.2025 has not been complied with by learned counsel for the petitioner.

7. In view of the aforementioned facts, once the earlier partition application titled as **“Roop Singh Vs. Bhagwan Singh”** was adjourned *sine die* due to pending civil litigation and the same was not got restored, and, on the other hand, another application for partition was filed, the same has rightly been held to be not maintainable. Accordingly, the second partition application was dismissed while granting liberty to the petitioner to seek restoration of the earlier partition case.

8. Evidently, despite grant of various opportunities by this Court as well in terms of the order dated 29.07.2025, no step has been taken by the

petitioner to withdraw the earlier partition application.

9. Keeping in view the above discussion, I find no compelling reason to interfere with the impugned order dated 15.05.2024 (Annexure P-8) passed by the learned Financial Commissioner (Revenue), Punjab.

10. The instant writ petition is, accordingly, dismissed.

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

09.03.2026

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No