

CWP-9641-2026 (O&M)

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

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CWP-9641-2026 (O&M)

Date of decision: 18.05.2026

**Arandeep Singh Pawar through Special Power of Attorney
Sukhvir Singh**

....Petitioner

Vs.

Financial Commissioner (Appeals), Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

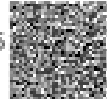
Present: Mr. Manmeet Singh Rana, Advocate
for the petitioner.

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 order dated 18.03.2019 (Annexure P-2) passed by learned Assistant Collector 1st Grade, Jalandhar-I, whereby the partition proceedings have been carried out and the *Sanad Takseem* has been issued.

1.1 A further prayer has been made for setting aside the order dated 23.01.2025 (Annexure P-4) passed by learned SDM-cum-Collector, Jalandhar and order dated 16.07.2025 (Annexure P-5) passed by learned



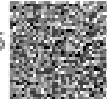
Financial Commissioner (Appeals), Punjab, whereby the appeal as well as revision petition preferred by petitioner have been dismissed, respectively.

2. Briefly, respondent No.4 – Jaswinder Singh sought partition of joint land measuring 45 kanal - 04 marla situated within the revenue estate of village Mithapur, Tehsil and District Jalandhar (as per jamabandi for the year 2014-15).

2.1 It appears that the present petitioner was proceeded against ex parte in the aforesaid partition proceedings and a final partition order dated 18.03.2019 (Annexure P-2) came to be passed and the partition proceedings concluded with the drawing of *Sanad Takseem* (instrument of partition) dated 18.03.2019 (Annexure P-3).

2.2 It transpires that the present petitioner challenged the aforesaid partition proceedings/*Sanad Takseem*, by filing an appeal before the learned Collector, Jalandhar, which came to be dismissed vide order dated 23.01.2025 (Annexure P-4), primarily on the ground that since the *Sanad Takseem* already stood issued, therefore, the Collector had no jurisdiction in the matter. Thereafter the petitioner preferred a revision petition before the learned Financial Commissioner (Appeals), Punjab, which was apparently filed after a delay of 2233 days.

2.3 The learned Financial Commissioner, upon considering the aforesaid revision petition preferred by the petitioner, came to the conclusion that no justifiable explanation has been offered by the petitioner, for filing the revision petition after the delay of 2233 days.



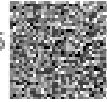
2.4 The learned Financial Commissioner, found that the explanation put forth for seeking condonation of delay was general and it lacked specific details. Accordingly, the learned Financial Commissioner, dismissed the revision petition preferred by the petitioner vide order dated 16.07.2025 (Annexure P-5) on the ground of delay.

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

4. I have heard the learned counsel for the petitioner and perused the paperbook with his able assistance.

5. Evidently, respondent No.4 sought partition of joint land wherein the petitioner was proceeded against ex parte. The partition proceedings concluded with the drawing of *Sanad Takseem* dated 18.03.2019 (Annexure P-3). The partition proceedings/*Sanad Takseem* came to be challenged by petitioner by filing an appeal before the learned Collector, despite the fact that after the drawing of *Sanad Takseem*, no appeal is maintainable before the learned Collector.

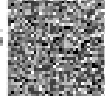
6. Be that as it may, the learned Collector, dismissed the appeal preferred by the petitioner vide order dated 23.01.2025 (Annexure P-4) being not maintainable, in view of the fact that *Sanad Takseem* already stands issued in the matter. Thereafter the petitioner preferred a revision petition, which was apparently filed beyond a period of 2233 days from the date of *Sanad Takseem* dated 18.03.2019. The learned Financial Commissioner, dismissed the revision petition preferred by the petitioner

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vide order dated 16.07.2025 (Annexure P-5) primarily on the ground of delay.

7. During the course of hearing of this petition, learned counsel for the petitioner was asked to show the justification tendered by the petitioner, in filing the revision petition after a long delay of 2233 days. However, learned counsel for the petitioner could not refer to any material either attached with the writ petition or otherwise, which may show the explanation offered by the petitioner in filing the revision before the learned Financial Commissioner, after delay of 2233 days. Even during the course of hearing of this petition, learned counsel for the petitioner was asked to produce the copy of the application filed by the petitioner before the learned Financial Commissioner, seeking condonation of delay, for which, the learned counsel for the petitioner took a pass-over, however, in the second round, learned counsel appearing for the petitioner expressed his inability to show the application seeking condonation of delay filed before learned Financial Commissioner.

8. In view of the aforementioned facts and circumstances; especially the fact that the petitioner has neither attached nor produced the application seeking condonation of delay of 2233 days in filing revision petition before the learned Financial Commissioner; so as to enable this Court to examine the explanation offered by petitioner in not filing the revision petition within a reasonable period; this Court has no other option but to rely upon the observations/findings returned by the learned Financial Commissioner, wherein, he has held that the explanation offered by the



petitioner seeking condonation of delay was only general and lacks material particulars.

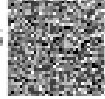
8.1 Hon'ble Supreme Court in the case of **"H. Guruswamy and Ors. Vs. A.Krishnaiah since deceased by Lrs"** 2025 SCC Online SC 54, has observed as under:-

"13. We are at our wits end to understand why the High Court overlooked all the aforesaid aspects. What was the good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High courts that the concepts such as "liberal approach", "Justice oriented approach", "substantial justice" should not be employed to frustrate or jettison the substantial law of limitation.

14. We are constrained to observe that the High Court has exhibited complete absence of judicial conscience and restraints, which a judge is expected to maintain while adjudicating a lis between the parties.

15. The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.

16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such



circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

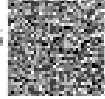
17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the ‘Sword of Damocles’ hanging over the head of a litigant for an indefinite period of time.

18. For all the foregoing reasons this appeal succeeds and is hereby allowed.

19. The impugned order passed by the High Court is set aside and that of the Trial Court dated 05.08.2014 passed in Misc. No. 223 of 2006 is hereby restored.”

8.2 Further, Hon’ble Apex Court in SLP (C) Diary No. 48636 of 2024 titled as **“State of Madhya Pradesh Vs. Ramkumar Choudhary”**, (decided on 29.11.2024), while considering the issue of limitation, has observed as under:-

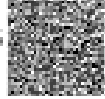
*“5.1. In **Union of India v. Jahangir Byramji Jeejeebhoy (D) through his legal heir**, wherein, one of us (J.B.Pardiwala, J) was a member, after referring to various decisions on the issue, it was in unequivocal terms observed by this Court that delay should not be excused as a matter of generosity and*



rendering substantial justice is not to cause prejudice to the opposite party.

7. There is one another aspect of the matter which we must not ignore or overlook. Over a period of time, we have noticed that whenever there is a plea for condonation of delay be it at the instance of a private litigant or State the delay is sought to be explained right from the time, the limitation starts and if there is a delay of say 2 years or 3 years or 4 years till the end of the same. For example if the period of limitation is 90 days then the party seeking condonation has to explain why it was unable to institute the proceedings within that period of limitation. What events occurred after the 91st day till the last is of no consequence. The court is required to consider what came in the way of the party that it was unable to file it between the 1st day and the 90th day. It is true that a party is entitled to wait until the last day of limitation for filing an appeal. But when it allows the limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before the limitation expired it was not possible to file the appeal within time. No event or circumstance arising after the expiry of limitation can constitute such sufficient cause. There may be events or circumstances subsequent to the expiry of limitation which may further delay the filing of the appeal. But that the limitation has been allowed to expire without the appeal being filed must be traced to a cause arising within the period of limitation. (See: Ajit Singh Thakur Singh and Another v. State of Gujarat, AIR 1981 SC 733).

8. Accordingly, we dismiss this Special Leave Petition with costs of Rs.1,00,000/- to be deposited by the State within a



period of two weeks from today with the Supreme Court Mediation Centre and file proof thereof. If the said amount, as directed, is not deposited by the State, the Registry shall take necessary steps for recovery of the same, in accordance with law.

9. We have deemed it necessary to impose costs to send a stern message that the States must not misuse the Supreme Court's time by filing appeals against the well-reasoned and conscious decisions rendered by the High Courts without proper grounds."

9. No other argument has been raised.

10. In view of the above discussion, I see no compelling reason which may warrant interference by this Court. Resultantly, the instant writ petition fails and the same is accordingly ***dismissed***.

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

(HARSH BUNGER)
JUDGE

18.05.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No