

2025:PHHC:006373



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

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**CWP-1005-2025**

**Date of Decision: 17.01.2025**

DSK Realtors Private Limited

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Akshay Bhan, Senior Advocate assisted by  
Mr. H.V. Gupta, Advocate  
for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

Mr. Munish Gupta, Advocate  
for respondent No.5.

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**HARSH BUNGER J. (ORAL)**

The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari to set aside order dated 08.11.2024 (Annexure P-17) passed by the learned Financial Commissioner (Appeals), Punjab; whereby the revision petition (ROR No.855 of 2024) filed by Sukhdev Singh (respondent No.5 herein) has been admitted and *status quo* has been ordered.

2. Mr. Navneet Singh, Senior Deputy Advocate General, Punjab has appeared on behalf of the respondent/State, in pursuance of the advance copy of paper book having already been supplied to him, and handed over in Court the photocopies of orders dated 13.09.2024, 20.09.2024, 18.10.2024, 25.10.2024, 08.11.2024, 20.12.2024 and 10.01.2025, passed by

the learned Financial Commissioner (Appeals), Punjab in the revision petition (ROR No.855 of 2024) filed by respondent No.5 herein; which are taken on record, subject to all just exceptions. Learned State counsel further states that the revision petition is now fixed for 24.01.2025 before the learned Financial Commissioner (Appeals), Punjab.

3. Learned senior counsel representing the petitioner submits that the revision petition (ROR No.855 of 2024), along with the application seeking condonation of delay in filing the said revision petition, filed by respondent No.5 herein, was listed for hearing on 08.11.2024 before the learned Financial Commissioner (Appeals), Punjab. It is submitted that without condoning the delay, learned Financial Commissioner could not have admitted the main revision petition, i.e. ROR No.855 of 2024, and/or granted *status quo* order.

4. Learned counsel for respondent No.5 submits that after the revision petition (ROR No.855 of 2024) was ordered to be admitted and *status quo* order was passed on 08.11.2024, the matter was adjourned on various dates, i.e. 20.12.2024 and 10.01.2025, and even the arguments on merits of the case were also addressed by the parties; and presently, the case is fixed for 24.01.2025 for orders. It is further submitted that although there is no specific order condoning the delay in filing the revision petition (ROR No.855 of 2024) but when the revision petition was admitted vide order dated 08.11.2024, the delay in filing the said petition shall be deemed to have been condoned.

5. I have heard learned counsel for the parties and perused the paper book with their able assistance.

6. Since it is not disputed by learned counsel for respondent No.5

that there is no specific order condoning the delay in filing the revision petition (ROR No.855 of 2024), the matter would be required to be remanded to the learned Financial Commissioner (Appeals), Punjab, for consideration of the application seeking condonation of delay in filing the revision petition (ROR No.855 of 2024). Since the parties have already addressed final arguments on merits of the said revision petition before the learned Financial Commissioner (Appeals), Punjab and the matter stands adjourned to 24.01.2025 for passing of orders, in my considered view, remanding of the revision petition at this stage would further delay the conclusion of the same. Accordingly, I proceed to consider the application seeking condonation of delay of 128 days in filing the revision petition (ROR No.855 of 2024), filed on behalf of respondent No.5 herein. Relevant extract of the said application reads as under:-

*“2. That the respondent No.3 filed an application for partition under Section 111 of the Punjab Land Revenue Act and subsequently during partition proceedings COVID 19 was occurred and the proceedings of partition before respondent No.2 was stayed. Subsequently respondent No.3 moved an application for restart the proceedings for partitioned before respondent No.2, but there was no notice or summon was severed to the applicant nor any information was sent to his Counsel D.K. Dhir, Advocate, and all the proceedings were imitated at his back.*

*3. That in the above said order, it has mentioned that applicant is not interested to contents the partition application, but in the order presence of Sh. D.K. Dhir, Advocate has been marked being a counsel of the applicant. This fact is contradictory.*

*4. That the applicant came to know regarding the partition order which has been passed against him on 20/08/2024 when the concerned Patwari the applicant that warrant of possession has been issued against the applicant and now*

*notice be executed by the officials in near future.*

*5. That the applicant came to know regarding partition order has been passed on 20/08/2024, thus from that date his revision petition barred and the delay which has been caused beyond his control. There is no benefit to the applicant for causing any delay to file revision petition.”*

7. After going through the above extracted reasoning put forth by respondent No.5, I find no reason to disbelieve the same.

8. Keeping in view the peculiar facts and circumstances of this case and especially the fact that the parties have already addressed final arguments in the revision petition (ROR No.855 of 2024) and the matter is now listed for passing the final orders; I hereby condone the delay of 128 days in filing the revision petition (ROR No.855 of 2024) by respondent No.5 before the learned Financial Commissioner (Appeals), Punjab.

9. Further, the learned Financial Commissioner (Appeals), Punjab is directed to finally decide the revision petition (ROR No.855 of 2024) filed by respondent No.5 on the date already fixed before it, i.e. 24.01.2025, and in any case, not beyond a period of three months from today.

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

**17.01.2025**  
*Apurva*

**(HARSH BUNGER)**  
**JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No