

2025:PHHC:103729



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

**CWP-23214-2025
Date of Decision: 11.08.2025**

Karam Singh and others

..... Petitioners

Versus

The Financial Commissioner (appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sahil Khunger, Advocate
for the petitioners.

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

HARSH BUNGER J. (ORAL)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of Certiorari for setting aside order dated 09.02.2024 (Annexure P-1) passed by the learned Financial Commissioner (Appeals), Punjab, whereby the revision petition (ROR-78-2018) preferred by the petitioners, has been dismissed in default.

1.1. A further prayer has been made for setting aside the order dated

11.07.2025 (Annexure P-2) passed by learned Financial Commissioner (Appeals), Punjab, whereby an application (Misc. No.17 of 2024) filed by the petitioners, seeking restoration of the main revision petition (ROR No.78 of 2018) has also been dismissed.

2. Briefly, the petitioners challenged the partition proceedings/orders by filing a revision petition (ROR-78-2018) before the learned Financial Commissioner.

2.1. It appears that after the issuance of notice to the respondents in the revision petition, the petitioners were required to furnish the correct address of respondent No.3 and to further file an application for bringing on record the legal representatives of respondents No.4 and 5 in the revision petition.

2.2. It is stated that when the matter was listed on 09.02.2024, learned counsel for the petitioners could not appear before the learned Financial Commissioner as he was arguing the matter before this Court; and on account of his absence, the revision petition was dismissed in default vide order dated 09.02.2024 (Annexure P-1).

2.3. Thereafter, the petitioners preferred an application (Misc. No.17 of 2024), seeking restoration of the revision petition (ROR No. 78 of 2018), however, the said application has also been dismissed vide order dated 11.07.2025 (Annexure P-2), by observing as under:

“In this case the court had granted the counsel for the petitioner several opportunities to furnish the correct address of respondent No.3 along with registered envelopes and also to file an application for bringing on record the legal heirs of respondent No.4, 5. Due to non compliance of the Court’s order by the counsel for the petitioner, the case was dismissed in

default on 09.02.2024.

The counsel for the petitioners filed a restoration application No.17/2024 against the order dated 09.02.2024. This case was fixed today for consideration of the restoration application filed by the counsel for the petitioners. But despite repeated calls today, the petitioner/counsel for the petitioners was not present in the Court till the Court time was over. From which it seems that the petitioner/counsel for the petitioner does not have any interest in this case. Therefore, the restoration application filed by the counsel for the petitioner is dismissed after consideration.”

3. In the aforementioned circumstances, petitioners have filed the instant writ petition before this Court seeking relief(s), as noticed hereinabove.

4. Heard.

5. Apparently, the revision petition (ROR No.78 of 2018) preferred by the petitioners came to be dismissed in default vide order dated 09.02.2024 (Annexure P-1) passed by learned Financial Commissioner on account of non-appearance of the counsel for the petitioners and non compliance of Court order. Even an application (Misc. No. 17 of 2024) preferred by the petitioners, seeking restoration of the main revision petition (ROR No.78 of 2018), has also been dismissed again on account of non-appearance of learned counsel for the petitioners vide order dated 11.07.2025 (Annexure P-2) passed by learned Financial Commissioner.

6. During the course of hearing, learned counsel for the petitioners assures that the petitioners would comply with earlier orders passed in the revision petition and would furnish the correct address of respondent No.3 along with registered envelopes and will also file an application for bringing on record the legal representatives of deceased respondents No.4 and 5 in the

revision petition, within a period of four weeks from today. He further assures that the petitioners would be represented through their counsel on each and every date of hearing before the learned Financial Commissioner.

7. Keeping in view the assurance(s) given by learned counsel for 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 both the orders dated 09.02.2024 (Annexure P-1) and 11.07.2025 (Annexure P-2) passed by learned Financial Commissioner and further restore the revision petition (ROR No.78 of 2018) on the board of the Financial Commissioner, Punjab, to its original number and status; however, subject to the petitioners complying with earlier orders passed in revision petition and upon payment of costs of Rs.30,000/- to be deposited by the petitioners with ***“Punjab and Haryana High Court Bar Association Lawyers' Family Welfare Fund (Account No.41564846387, S.B.I. High Court Branch)”***, within a period of four weeks from today.

7.1. In the event of failure to comply with earlier orders passed in the revision petition or to pay the costs within the aforesaid period, the petition would stand automatically dismissed and the orders dated 09.02.2024 (Annexure P-1) and 11.07.2025 (Annexure P-2) shall remain intact.

8. The petitioners are directed to appear before the Financial Commissioner, Punjab through their counsel on 02.09.2025 or any other date as may be fixed by the Financial Commissioner, Punjab.

9. 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.

10. The present writ petition is disposed of in the aforestated terms.
11. All pending application(s), if any, shall also stand closed.

11.08.2025

Pd

(HARSH BUNGER)
JUDGE

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