



2026:PHHC:077560



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

**CWP-12376-2026 (O&M)
Date of Decision: 14.05.2026**

Tarsem Singh @ Jasvir Singh Through General Power of Attorney
Holder Ranjit Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Aditya Dassaur, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside the order dated 24.09.2025 (Annexure P-8) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, respondent No.3 – Nirmal Singh filed an application seeking partition of joint land measuring 185 Kanal-8 Marla, situated in Village Nakodar-I, Tehsil Nakodar, District Jalandhar (as per *Jamabandi* for the year 2008-09), in May, 2015.

2.1 As per the petitioner's own averments, in the aforesaid partition proceedings, the Mode of Partition had already been sanctioned and even



Naksha 'Jeem' had been prepared. It appears that during the pendency of the said partition proceedings, the petitioner herein filed an application seeking stay of the partition proceedings on the ground that the question of title with regard to the property under partition was *sub judice* before the Civil Court and that Civil Revision No.8970 of 2017 was pending before this Court.

2.2 Evidently, upon considering the application submitted by the petitioner in the partition proceedings seeking stay of the said proceedings, the learned Assistant Collector Ist Grade, Jalandhar, passed an order dated 05.08.2024 (Annexure P-6), whereby the partition proceedings were adjourned *sine die*. Relevant extract of the said order reads thus:-

“ The case file was presented. Call was made. Learned counsel for the petitioner side appeared. Learned counsel for the respondent side appeared. Learned counsel for the respondent side submitted a copy of a judgment before the Court and argued that if any civil suit pertaining to the land is pending, then the proceedings of partition shall remain stayed until the decision of the civil suit is pronounced. It was further submitted that a case related to the present matter is pending before the Hon’ble Punjab and Haryana High Court, Chandigarh, Punjab; therefore, till the decision of the Hon’ble Punjab and Haryana High Court, Chandigarh, Punjab is received, the present case is adjourned sine-die. The case file, after due completion and arrangement, be consigned to the record room.”

2.3 Being aggrieved against the aforesaid order dated 05.08.2024 (Annexure P-6), respondent No.3 – Nirmal Singh preferred a revision petition (ROR No.32 of 2024) before the learned Financial Commissioner (Appeals), Punjab. The said revision petition came to be allowed vide the impugned order dated 24.09.2025 (Annexure P-8), whereby the order dated



05.08.2024 (Annexure P-6) was set aside and a direction was issued to the learned Assistant Collector, Ist Grade, Jalandhar, to proceed further with the partition proceedings and pass the orders accordingly. Relevant extract of the order dated 24.09.2025 (Annexure P-8) reads as under:-

“6. I have heard the arguments advanced by the counsels of parties and have also perused the record and orders of the lower courts. The record shows that the statement for the mode of partition was given by the petitioner whereas the respondents did not provide any statement despite repeated opportunities. The mode of partition was thereafter sanctioned and the Naksha Zeem was prepared. The record shows that instead of filing objections to the Naksha Zeem, the respondents moved repeated applications for staying the proceedings which were dismissed earlier vide order dated 22.08.2022. In that order it was held that no question of title was involved. The subsequent application filed on 30.04.2024 was again moved on the same ground without any new circumstances. That application was accepted vide order dated 05.08.2024 and the proceedings were adjourned sine die which is under challenge. The perusal of the record makes it clear that the plea of the respondents regarding pendency of Civil Revision No.8970 of 2017 before the Hon’ble High Court is not sufficient to stay the partition proceedings. That revision petition arose from dismissal of a restoration application in a civil suit filed for declaration which had already been dismissed in default on 10.03.2005. The subsequent application for restoration was dismissed on 18.09.2014 and the appeal against that dismissal was also rejected on 14.09.2017. The revision petition pending before the Hon’ble High Court relates only to the dismissal of the restoration and does not involve any adjudication on the question of ownership of the land in dispute. No stay has been granted by the Hon’ble High Court in that matter. In such circumstances, the bar



under Section 116(2) of the Punjab Land Revenue Act is not attracted as no question of title is pending adjudication in a competent civil court. The record further reflects that the partition proceedings have reached the final stage. The mode of partition has been sanctioned as per law and the Naksha Zeem has been prepared. The only step remaining in completion of partition in accordance with the sanctioned mode of partition. The order for adjourned sine die proceedings are at the belated stage of the partition proceedings was not justified.

*7. Resultantly, the revision petition is **accepted**. The order dated 05.08.2024 passed by the District Revenue Officer-cum-Assistant Collector, Ist Grade, Jalandhar is hereby set aside. The District Revenue Officer-cum-Assistant Collector, Ist Grade, Jalandhar is directed to proceed with the partition proceedings and pass the order accordingly. Copy of this order be communicated to the courts below. After making compliance, file be consigned to the record room.”*

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

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

5. In the instant case, the partition proceedings were initiated by respondent No.3 – Nirmal Singh way back in the year 2015, wherein even the Mode of Partition stood sanctioned and *Naksha ‘Jeem’* had already been prepared.

5.1 Although the petitioner had instituted a title suit before the Civil Court; however, the same came to be dismissed in default on 10.03.2005. Thereafter, the petitioner appears to have slept over the matter

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and an application seeking restoration of the suit was filed only after a lapse of more than five years, i.e. on 02.08.2010.

5.2 Admittedly, even the application for restoration of the said title suit stood dismissed on 18.09.2014 and the appeal preferred against the same was also dismissed by the learned First Appellate Court vide order dated 14.09.2017. Presently, the Civil Revision No.8970 of 2017 is stated to be pending before this Court.

5.3 The fact remains that till date, the civil suit, which had been dismissed in default vide order dated 10.03.2005, has not been restored. Consequently, it has to be taken that, as on date, no title suit is pending with respect to any part of the land which forms the subject matter of the partition proceedings in question.

6. Apparently, upon an application having been filed by the petitioner, seeking stay of the partition proceedings before the revenue authorities; the learned Assistant Collector, Ist Grade, Jalandhar, adjourned the partition proceedings *sine die* vide order dated 05.08.2024 (Annexure P-6).

7. However, on a revision petition (ROR No.32 of 2025) being preferred by respondent No.3 – Nirmal Singh before the learned Financial Commissioner (Appeals), Punjab, the aforesaid order dated 05.08.2024 (Annexure P-6) has been set aside vide order dated 24.09.2025 (Annexure P-8) by observing that no question of title is pending adjudication in a competent Civil Court.

8. I have gone through the order dated 24.09.2025 (Annexure P-8) passed by the learned Financial Commissioner (Appeals), Punjab, and in the attending facts and circumstances of the present case, as noticed above, I do



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not find any illegality or perversity therein, as no question of title is pending before any court of competent jurisdiction.

9. No other argument was raised before this Court.

10. Keeping in view the above discussion, I find no compelling reason which may warrant interference by this Court in the present partition proceedings. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

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

14.05.2026

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No