

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No. 10262 of 2015
Decided on 07.12.2015**

Harvinder Singh and others

--Petitioners

Vs.

F.C (Appeals-I) Punjab and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. Vikas Mehsempuri Advocate, for the petitioners

Rakesh Kumar Jain,J: (Oral)

This petition is filed to challenge the order dated 02.12.2008 by which application for review filed by the petitioners has been dismissed.

In short, one Gujar Singh was owner of the property in dispute. After his death, respondent No.5-Kartar Kaur set up an unregistered Will dated 01.12.1980 and applied for sanctioning the mutation to Patwari Halqa which was objected to by one Bant Singh who happens to be vendor of the land in dispute and claimed to be in possession also on the basis of a unregistered Will dated 03.4.1962 .

The mutation was contested but the A.C Ist Grade, Patiala, decided in favour of Bant Singh which was challenged in appeal by respondent No.5. The appeal was allowed by the Collector and the case was remanded back to the A.C Ist Grade to decide the same afresh.

In the fresh decision, A.C.Ist Grade, Patiala, decided to mutate the land in question in favour of respondent No.5 on the basis of unregistered Will. However that order was challenged by Bant Singh, but in the meantime, the petitioners filed an application for review of the order passed by the Financial Commissioner. The said application has been dismissed. Hence, the present petition has been filed.

It is an admitted fact that Bant Singh is the vendor of the petitioners who lost before the Financial Commissioner and has not even filed any writ petition to challenge the impugned order passed in favour of respondent No.5 sanctioning the mutation on the basis of unregistered Will dated 01.12.1980. The petitioners have to sink and swim with their vendor.

Thus, in view of the above, I do not find any merit in this petition and the same is dismissed.

07.12.2015
rr

(Rakesh Kumar Jain)
Judge