CWP No. 1493-2014

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 1493-2014
Date of Decision: 19.02.2015

Ram Chander and others

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

1) Whether Reporters of the local papers may be allowed to see the judgment ?.
2) To be referred to the Reporters or not ?.
3) Whether the judgment should be reported in the Digest ?

Present: Ms. Munisha Gandhi, Sr. Advocate with
Mr. Tarurag Gaur, Advocate for
the petitioners.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to correct the mutation bearing nos.3578 and 3579 in village Madina Gindhraj, Tehsil Meham, District Rohtak in accordance with the decree dated 27.04.1972 (Annexure P-3) which has been affirmed by this Court vide judgment dated 14.04.1982 (Annexure P-4) passed by this Court.

It is the case of the petitioners that they are some of the descendants and legal heirs of Sudhi daughter of Ram Nath, widow of

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Fakiriya, resident of Mali, Tehsil Jind. Sudhi, predecessor-in-interest of the petitioners filed suit for possession of the suit land situated within the revenue estate of village Madina Gindhraj. It was pleaded that one Kuria, who died on 09.06.1958, was the owner of the disputed land. Suddi claiming herself to be the daughter of Ram Nath instituted the suit seeking possession of the land on the basis of inheritance. After the death of Kuria, mutation with regard to his half share in the property on the basis of inheritance, was sanctioned in favour of Shibba as the adopted son of Masania and remaining half was mutated in favour of remaining defendants according to their shares to which they were entitled according to the pedigree table. It was also pleaded that Shibba was not the adopted son of Masania and that she had the preferential right to the estate of Kuria as compared to all the defendants. The trial Court after considering the evidence of the parties dismissed the suit vide judgment and decree dated 21.12.1970. Against that, Sudhi, predecessor-in-interest of the petitioners filed appeal before the District Judge, Rohtak which has been partly accepted vide judgment and decree dated 27.04.1972 (Annexures P-2 and P-3) whereby Sudhi was declared holder of equal share with Shibba in the property left by deceased-Kuria. Against that, regular second appeal was filed by Shibba which was dismissed by this Court vide judgment dated 14.04.1982 (Annexure P-4). It is prayed that revenue authorities may be directed to correct the record-of-rights as per the judgment and decree dated 27.04.1972

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(Annexures P-2 and P-3) as affirmed by this Court vide judgment dated 14.04.1982 (Annexure P-4). Hence, this writ petition.

In pursuance of notice of motion, respondents no.2 and 3 filed reply with the averments that there was no decree submitted to the Assistant Collector-IInd Grade, therefore, proper mutation could not be entered.

I have heard learned counsel for the parties and perused the record.

Since the judgment and decree dated 27.04.1972 (Annexures P-2 and P-3) passed by the lower Appellate Court has become final, therefore, the revenue authorities are bound to incorporate the same in the revenue records in accordance with law. In view of above, instant petition is disposed of with a direction to the revenue authorities to update the revenue records specifically record-of-rights in accordance with law in view of the judgment and decree dated 27.04.1972 (Annexures P-2 and P-3) passed by the lower Appellate Court as affirmed by this Court vide judgment dated 14.04.1982 (Annexure P-4).

No costs.

19.02.2015 **(Paramjeet Singh)**
parveen kumar **Judge**

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