

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

Date of decision:13.03.2015.

Suresh Chand

.....Petitioner

v.

Financial Commissioner, Haryana and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.VD Sharma,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Petitioner-Suresh Chand claims himself to be the adopted son of Smt.Bharpai widow of one Chandan. The adoption is stated to have been conducted after the death of Chandan. He filed a suit for declaration against Smt.Bharpai that he was owner in possession of ½ share of total land measuring 136K14M situated in Village Singwal,Tehsil Narwana, District Jind, being the share of his adopted father Chandan and subsequently inherited by his adopted mother Bharpai. Mother-Bharpai filed written statement admitting the claim culminating into passing of a collusive decree dated 29.7.1993(P-1) by SJIC Narwana. He is stated to have subsequently filed an application dated 30.4.2010 for redemption before Collector,Narwana on the basis that 31K12M of land was initially mortgaged on 25.5.1981 by Chandan for an amount of Rs.40,000/- in favour of Govinda,Chaillu,Nagar and Jagdish (3/4th share) and Manphool and Jagdish(1/4th share) and subsequently an additional mortgage was created by Smt.Bharpai vide

deed dated 18.5.1987 for an additional sum of Rs.12,000/- in favour of Govinda,Chaillu,Nagar and Jagdish and since the total amount of Rs.72000/- was deposited, therefore, claim for redemption. It is apparent that in the proceedings LR's of Manphool and Jagdish admitted the claim of Suresh whereas the remaining mortgagees-Govinda,Chaillu,Nagar and Jagdish, contested the claim of petitioner-Suresh Chand being the adopted son and thus the legal son of Chandan. Learned Collector vide order dated 5.10.2010(P-8) relegated the petitioner to approach the Civil Court for proving his claim as per law. The order of Collector was upheld in appeal and revision preferred by the petitioner.

After making submissions at length, learned counsel for the petitioner prays for permission to withdraw the writ petition to enable the petitioner to seek his remedy in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

13.03.2015.
joshi

(Jaswant Singh)
Judge