

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

CWP No.7752 of 2015

Date of Decision:-27.04.2015

Charanjit Kaur.

.....Petitioner.

Versus

Financial Commissioner, Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Amarbir Singh Salar, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner purchased the land in dispute from one Darshan Singh vide impugned sale deed dated 13.5.1996 measuring 2 Bighas and 15 Biswas. The said Darshan Singh had inherited the property from his late father Gurbaksh Singh by virtue of registered sale deed dated 22.6.1983 executed by the conceded owner Gurbaksh Singh. The mutation on the basis of the sale deed was entered in favour of the petitioner. Subsequently, two of the daughters of late Gurbaksh Singh filed a civil suit challenging the registered Will, sale deed and also claiming their share on the basis of inheritance, the said suit was dismissed by the learned trial Court, however, the learned lower Appellate Court vide judgment and decree dated 27.09.2004 passed by the learned Additional District Judge, Sangrur held that the Will was surrounded by suspicious circumstances and thereby held that the petitioner was entitled to only the 1/5th share of vendor Darshan

Singh while decreeing the suit in favour of the daughters. The said decree is pending decision in a regular second appeal before this Court filed by the vendor Darshan Singh.

The petitioner vendee in the present writ petition is aggrieved against the order dated 17.12.2014 passed by the learned Financial Commissioner, Punjab (P-4) whereby the mutation no.838 sanctioned on the basis of Civil Court decree dated 27.09.2004 has been upheld. It is well settled law that a mutation cannot be kept in abeyance and the said mutation was required to be made in the light of the judgment and decree dated 27.09.2004. Therefore, no such grievance regarding the entry can be possibly made by the petitioners, however, it is equally true that the revenue authorities to safeguard the interest of the parties as well as future possible vendees, would also indicate in the record regarding the pendency of the regular second appeal filed by the vendor Darshan Singh.

After arguing for sometime and having failed to convince the Court, on instructions from his client prays for permission to withdraw the present writ petition.

Dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

April 27, 2015
Vinay