

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

CWP No. 9539 of 2015 (O&M)

Date of decision: 03.08.2015

Kuldeep Singh

...Petitioner

Versus

Financial Commissioner, Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikas Mehsempuri, Advocate for the petitioner.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks quashing of the impugned order dated 10.12.2014 (Annexure P-4), passed by respondent No.1, order dated 17.01.2013 (Annexure P-2), passed by respondent No.2 and the order dated 14.06.2011 (Annexure P-1), passed by respondent No.3 being illegal and contrary to law.

The brief facts of the case are that one Sohan Singh, the real uncle of the petitioner had executed a will dated 18.01.2006 in favour of the petitioner. After the death of Sohan Singh, the petitioner had filed an application dated 16.03.2011 before A.C. 1st Grade to implead him as a party, however, the same was rejected, vide impugned order dated 14.06.2011 (Annexure P-1). Aggrieved thereby, the petitioner preferred a revision petition which was disposed of with certain directions. Thereafter, feeling dissatisfied with the orders dated

14.06.2011 and 17.01.2013, the petitioner filed ROR, which was also dismissed on 10.12.2014. Hence the present petition.

It is contended that the impugned orders deserve to be quashed being perverse, illegal and arbitrary in nature. The will had been duly executed in favour of the petitioner by his uncle Sohan Singh, who died on 16.06.2007. The learned A.C. 1st Grade, Ludhiana did not assign any reason while rejecting the application for impleadment as legal representative on the basis of will dated 18.01.2006. The dispute pertains to the estate of late Sohan Singh, who had executed a will in favour of the petitioner. Thus, it is contended that petitioner has right upon the estate of late Sohan Singh. The authorities have passed the impugned orders without taking into consideration the factual aspect of the matter, therefore, the present writ petition deserves to be allowed.

In support of his contentions, the learned counsel cites **Sohan Singh and another Vs. Bakhshish Kaur and others**, 2000 (2) RCR (Civil) 182.

Heard.

Perusal of the record would reveal that the petitioner had filed an application dated 16.03.2011 before the A.C. 1st Grade to implead him as a party alleging that one Sohan Singh, the real uncle of the petitioner had executed a will in his favour. Said Sohan Singh had died on 16.06.2007, however, the petitioner filed an application for impleading him as a party after a lapse of about four years. There is no

justification on record to justify the inordinate delay. Moreover, the wife of deceased Sohan Singh was made a party in the revision petition filed by the petitioner before Divisional Commissioner, Patiala and Financial Commissioner, Punjab and she was duly represented by her counsel before the Divisional Commissioner, Patiala. Furthermore, the real brother of the petitioner, namely Malkiat Singh, had also produced an unregistered will alleged to be executed in his favour, however, he could not produce any evidence in support of his claim. After the death of Malkiat Singh, the petitioner had filed an application for impleading him as a party for the purpose of sanctioning of the mutation of inheritance in his favour. The citation cited by the learned counsel is distinguishable on facts and will not apply to the present case.

Keeping in view the above fact and circumstances, this Court feels that there is no perversity or illegality in the impugned order dated 10.12.2014 (Annexure P-4), passed by respondent No.1, order dated 17.01.2013 (Annexure P-2), passed by respondent No.2 and the order dated 14.06.2011 (Annexure P-1), passed by respondent No.3.

Accordingly, the present petition is hereby dismissed.

03.08.2015

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(JITENDRA CHAUHAN)
JUDGE