

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

**Civil Writ Petition No.13875 of 2014 (O&M)  
Date of Decision: February 25, 2016.**

Karnail Singh and another

**.....PETITIONER(s).**

**VERSUS**

The Financial Commissioner (Revenue) Punjab and others

**.....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Vikas Singh, Advocate  
for the petitioner (s).

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**SURINDER GUPTA, J.**

Petitioners are purchasers of land of Bhagat Singh from Manohar Singh, who alleged Will dated 10.03.1998 executed by Bhagat Singh in his favour. On the basis of various sale deeds in their favour executed by Manohar Singh, petitioners applied for partition of the suit land. A question of title was raised by private respondents before the Assistant Collector but the same was rejected. Thereafter, *Naksha 'Alf'* was prepared and placed on file and objections were called. The respondents sought time to file objections. At this stage, one Gurdattar Singh legal heir of Darbara Singh appeared through his counsel. He again raised question of title which was rejected vide order dated 20.02.2001. *Naksha 'Alf'* was finalised vide order dated 20.02.2001 and proposed mode of partition was brought on record on 29.05.2001 and sanctioned vide order dated 14.06.2001 after giving opportunity to the parties. At this stage, the case was transferred to the other Court and the Presiding Officer of that Court ordered to take up the

case from the stage of '*Naksha Ara*'. The partition was sanctioned vide order dated 20.08.2002 and *Sanad Takseem* was prepared. Some respondents filed appeal before the Collector against the order dated 20.08.2002, which was dismissed. Thereafter, appeal was filed before Commissioner, Jalandhar Division, Jalandhar which was accepted vide order dated 02.06.2005. The petitioners filed revision against order of Commissioner before the Financial Commissioner, Punjab, which was dismissed vide order dated 29.05.2012.

In this petition, the petitioners have challenged the order of Financial Commissioner (Punjab) and Commissioner, Jalandhar Division, Jalandhar.

I have heard learned counsel for the petitioners and have perused the paper book with his assistance.

The question of title of the vendor of petitioners has been decided in RSA No.831 of 2012, wherein it has been held that Manohar Singh had no right, title or interest in the property left by Bhagat Singh son of Lachhman Singh. The Will propounded by him and the ex parte judgment and decree obtained by him from the Court in civil suit No.251 of 15.06.1998 have been held to be illegal, null and void and not binding on legal heirs of Bhagat Singh son of Lachhman Singh.

In view of the judgment passed in RSA No.831 of 2009, this petition has no merits.

Dismissed.

**February 25, 2016.**  
*Sachin M.*

**( SURINDER GUPTA )**  
**JUDGE**