

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

LPA No.1155 of 2016 (O&M)

Date of Decision : 23.09.2016

Satnam Kaur (deceased) through
her LRs

....Appellants

Versus

Financial Commissioner (Revenue)
and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

Present: Mr.Vijay Rana, Advocate
for the appellants.

MAHESH GROVER, J.

This appeal is directed against the judgment of the learned Single judge dated 03.11.2015.

The predecessor-in-interest of the appellants had claimed a mutation of specific khasra numbers on the plea that he had purchased it, but the facts would show to the contrary. He had purchased 1/6th share of land measuring 144 kanals 10 marlas comprised in khasra Nos.19/6, 7, 16/2, 25, 17/13, 2, 42, 5, 2, 3, 3/2, 4, 5, 18/17/2, 1/1, 10, 19/1, 2/1, 9, 10, 11, 15/42, 16, 20, 27, 18/1, 23/2, 9, 24, 11, situated in Village and Post Office Beas Pind, as per jamabandi for the year 1979-80. He thus at best became a co-sharer in the land in question and could not have asked for a mutation of particular khasra numbers to be sanctioned.

Argument raised before us is that the predecessor-in-interest of the appellants had filed a civil suit and the mutation was sanctioned on the basis of the decree of the civil court.

We have perused the judgment rendered by the civil court. It reveals that the predecessor-in-interest of the appellants had merely asked for a declaratory judgment that he is owner of 1/6th share of the land as described above, which was precisely the decree which he had earned in those proceedings. There is no mention of any specific khasra number. Thus the appellants cannot place the interpretation of the kind that they have urged before us to state that they are entitled to specific khasra numbers of the land. Being co-sharer the appellants cannot get mutation of specific khasra numbers unless the land is subjected to partition in accordance with law.

We thus do not find any reason to differ with the findings recorded by the learned Single Judge and the appeal is, therefore, dismissed both on the ground of limitation and merits.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

23.09.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No