

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

**CWP No.8352 of 2004
Date of decision:03.05.2017**

Shinder Singh

... Petitioner

Vs.

Financial Commissioner Coop. Punjab & others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- None.

AMIT RAWAL J. (Oral)

As per office report, correct address of respondent No.6 has not been filed. Mr. Vikas Cuccria, Advocate and Mr.Puneet Gupta, Advocate have been informed.

It appears that the petitioner is not interested in pursuing the matter and he has approached this Court for quashing of the orders dated 20.02.2002 (Annexure P-6) and 01.03.2004 (Annexure P-7), whereby, the proceedings of mutation of inheritance of Bishan Singh (deceased) son of Sh. Nama (Harnam Singh) in favour of his three sons Chain Singh, Santokh Singh and Shinder Singh had been decided. Reference to the registered Wills dated 5.8.1994 and 28.03.1980 executed by Bishan Singh in favour of petitioner – Shinder Singh, had also been made by the authorities below. By taking into the aforementioned aspect, the authorities below ignored the Will dated 5.8.1994 and sanctioned the mutation on the basis of registered Will dated 28.3.1980 and set aside the orders of the Collector and Assistant

Collector and sanctioned the mutation of inheritance of Bishan Singh in favour of his three sons, chain Singh, Santokh Singh and Shinder Singh. The petitioner -Shinder Singh was claiming mutation of inheritance on the basis of the Will dated 5.8.1994. Even the revision petition before the Financial Commissioner also met with the same fate, in essence, the same was dismissed.

If at all the petitioner is aggrieved with regard to the aforementioned orders, he was/is at liberty to seek declaration on the basis of the Will, as the mutation cannot be kept in abeyance, in view of the ratio decidendi culled out by the Hon'ble Division Bench of this Court in **Jagjit Singh vs. Divisional Commissioner Patiala and others 2012(13) RCR (Civil) 96.** In case, any suit had been filed or intended to be filed, the mutation can always be challenged/corrected on the basis of the outcome of the suit.

With the aforementioned observations, while upholding the orders under challenge, the writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

May 03, 2017
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No