

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

**CWP No.19041 of 2010
Date of Decision.22.05.2017**

Paramjit Singh and another

.....Petitioners

Vs

Financial Commissioner (Revenue), Punjab, Secretariat, Chandigarh and
others

.....Respondents

Present: Mr. Rakesh Chopra, Advocate
for the petitioners.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

Mr. B.R. Mahajan, Senior Advocate with
Mr. Prateek Mahajan, Advocate and
Mr. Akhilesh Vyas, Advocate
for respondent No.5.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The present writ petition is against the dismissal of the review petition filed before the Financial Commissioner whereby proceedings qua mutation of Kirpal Singh, however, held in favour of private respondents on the premise that the Financial Commissioner while dismissing the revision petition had observed that the civil suit at the instance of private respondents was pending adjudication.

Mr. Chopra, learned counsel appearing on behalf of the petitioner submits that subsequently the civil suit of 10 years of pendency had been withdrawn. It is on this account, cause of action accrued for seeking review of the order before the Financial Commissioner, which has resulted into dismissal, besides certain other clerical errors which were sought to be rectified.

However, during the course of hearing, he has fairly brought to

the notice of the Court that his client has already filed the civil suit challenging the Will of Kirpal Singh.

The aforementioned facts are not disputed by Mr. B.R. Mahajan, learned Senior Counsel assisted by Mr. Prateek Mahajan, Advocate and Mr. Akhilesh Vyas, Advocate appearing for respondent No.5. He has also apprised this Court that the written statement has already been filed and the defence of setting up the Will in their suit is also identical one, though the present case is arising out of mutation proceedings with regard to village Jameetgarh.

I am of the view that unless and until, title is not decided, the mutation cannot be kept pending in view of the decision rendered by Division Bench of this Court in **Jagjit Singh Vs. Divisional Commissioner Patiala and others 2012(13) RCR (Civil) 96**. The parties shall be at liberty to seek correction of the same on decision of the suit uninfluenced with the findings rendered by the Revenue Courts.

With the aforementioned observations, the writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

May 22, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No