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

CWP-18418-2013

Date of decision : 03.03.2017

Paramjit Singh and others

... Petitioner(s)

Versus

Financial Commissioner (Revenue), Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sandeep Arora, Advocate
for the petitioners.

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

Mr. Ramesh Sharma, Advocate
for respondent Nos.5 to 7.

AMIT RAWAL, J. (ORAL)

The dispute arisen in the present petition, is owing to the initiation of mutation proceedings at the instance of the petitioners, on the basis of the registered Will dated 22.05.1996. Since the mutation was disputed, the matter was referred to the Assistant Collector 1st Grade, Jalandhar-II, who sanctioned the mutation in favour of the petitioners. However, the Collector reversed the order and in appeal, the Commissioner again ordered the mutation in favour of the petitioners. However, the Financial Commissioner has disposed of the revision petition on the premise that the parties have compromised.

The contention of Mr. Sandeep Arora and as well as of Mr.

Ramesh Sharma, learned counsel appearing on behalf of the petitioners and

respondent Nos.5 to 7, respectively, is that there was no compromise.

It is very strange that the Financial Commissioner, in the absence of any statement suffered by either of the party, recorded the factum that the parties have arrived at a compromise.

Be that as it may, the parties would not be getting any benefit out of the proceedings, aforementioned as the mutation does not confer the title. If at all, any of the parties have any grievance, they have to establish their right by seeking the declaration in the competent court of law by way of a civil suit or counter-claim either way.

While setting aside the impugned order passed by the Financial Commissioner, I leave it open to the parties to avail the remedy of civil suit establishing their right/counter-claim regarding the Will being propounded by the petitioner and as well as the respondent(s), as the law with regard to the mutation of having not been kept in abeyance, is no longer *res integra* in view of the *ratio decidendi* culled out by the Division Bench of this Court rendered in “Jagjit Singh V/s Divisional Commissioner, Patiala and others” 2012 (13) RCR (Civil) 96.

With the aforesaid observations, the present writ petition stands disposed of.

03.03.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**