

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19108 of 2015 (O&M)

Date of Decision: 21.02.2017

Brig. Jasbir Singh & Anr.

... Petitioners

VS.

District Magistrate under the Maintenance and
Welfare of Parents and Senior Citizen Act,
UT Chandigarh & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mrs. Tarun Jain Sinha, Advocate for the petitioners

Mr. Vikas Chatrath, Advocate for respondents No.2&3

Mr. Sukant Gupta, Addl. PP for respondents No.4,5&6

Mr. SS Katnoria, Advocate for respondent Nos.7&8

SURYA KANT, J. (Oral)

(1) The petitioners seek quashing of the order dated 15.07.2014 passed by the Estate Officer, UT Chandigarh whereby ownership rights in respect of house No.331, Sector 9-D, Chandigarh have been transferred in favour of respondent No.7 on the basis of a Will. Petitioner No.1 is real brother of respondent No.7, namely, the beneficiary of the alleged Will. Petitioner No.2 is son of petitioner No.1. There is a considerable litigation pending between the parties by way of civil suits as well as criminal proceedings. The first petitioner has already filed the civil suit questioning the genuineness of the said Will. Some criminal proceedings are also said to have been initiated alleging forgery of Will. Those proceedings are still pending. Meanwhile, the impugned decision has been taken by the Estate Officer to transfer the property in favour of respondent No.7.

(2) In view of the fact that the question of validity of the Will is

end only after the decision of the civil suit and criminal proceedings pending between the parties, we deem it appropriate to dispose of the instant writ petition with the following directions:-

- i. the transfer of the ownership rights in respect of House No. 331, Sector 9-D, Chandigarh in favour of respondent No.7 shall be subject to final outcome of the civil suit;
- ii. respondent No.7 shall not transfer, alienate and/or create any third party rights in the subject property till the decision of the civil suit;
- iii. learned Civil Court shall make an endeavour to decide the civil suit as early as possible and preferably within one year subject to the stay order etc. passed by any superior court;
- iv. The Estate Officer, shall not accord permission for creation of any type of rights in the property in dispute till the decision of the civil suit. A copy of this order shall be kept on the record of Estate office also.

(3) With these observations and directions, the writ petition stands disposed of.

(Surya Kant)
Judge

21.02.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No