

CWP No.16011 of 2017

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

**CWP No.16011 of 2017  
Date of decision:24.07.2017**

Amar Singh

...Petitioner

Versus

Financial Commissioner, Revenue, Punjab and others

...Respondents

**Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**

Present: Mrs. Anupam Bhanot, Advocate,  
for the petitioner.

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**Rakesh Kumar Jain, J.**

This matter pertains to the mutation of the property of Parduman Singh, who was a bachelor and stated to have died in Indonesia. The petitioner, who alleged himself to be a collateral, set up an unregistered Will, purported to have been executed by Parduman Singh in his favour on 15.02.1982 and mutation No.1767 was entered in his favour on the basis of the said unregistered Will. The said mutation was contested by the private respondents, which was discarded by respondent no.4 vide his order dated 30.04.2012 and sanctioned the mutation of the property in question in favour of Jeeto, mother of the private respondents, who was allegedly the sister of deceased Parduman Singh. The Collector reversed the order of respondent no.4 on 19.09.2012 on the ground that the private respondents have failed to prove as to how their mother Jeeto was related to the deceased Parduman Singh. The appeal filed by the private respondents before the Divisional Commissioner was also dismissed on 13.07.2016 but the Financial Commissioner reversed the order of the Collector on 18.05.2017.

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It has come on record that the petitioner had filed a Civil Suit on the basis of the unregistered Will in his favour but the said suit has been dismissed. This fact has been noticed by the Financial Commissioner that the Civil Suit filed by the petitioner was dismissed on 04.12.2015 but it was not brought to the notice of the Divisional Commissioner when he passed the order of dismissal of appeal on 13.07.2016.

Be that as it may, the fact remains that the petitioner has failed to establish the Will in his favour dated 15.02.1982, purported to have been executed by Parduman Singh and, therefore, lost his right to claim his property.

Counsel for the petitioner has submitted that the judgment and decree passed by the trial Court against the petitioner has been challenged in appeal but nothing has been mentioned beyond that, which is not a ground to uphold the orders of the Collector and the Divisional Commissioner and to reverse the order of the Financial Commissioner, who has rightly reversed the orders of the Courts below on the ground that the right to the property exercised by the petitioner, on the basis of unregistered Will, has not been established and, therefore, the death of Parduman Singh shall have to be considered as an intestate death and the heirs of Parduman Singh have to succeed to his property by way of natural succession.

In view of the aforesaid discussion, I do not find any merit in the present petition and hence, the same is hereby dismissed.

**July 24, 2017**  
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**(Rakesh Kumar Jain)**  
**Judge**

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No