

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

**CWP No.24360 of 2016 (O&M)
Date of Decision.06.02.2017**

All India Eye Relief Society (regd)

.....Petitioner

Vs

Financial Commissioner Punjab and others

.....Respondents

Present: Mr. Vikas Singh, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

C.M. No.1623 of 2017

Application is allowed.

Annexures P-8 and P-9 are taken on record subject to all just exceptions.

CWP No.24360 of 2016

The grievance of the petitioner in the present writ petition is with regard to the mutation of the property on the basis of the High Court order.

Learned counsel for the petitioner submits that the petitioner has already availed the remedy of suit viz-a-viz the mutation though the suit is of the year 2001. The order under challenge is subsequent of the same, thus, challenged under Article 226 of the Constitution.

Since the issue under challenge is disputed question of fact with regard to having acquired right by virtue of alleged gift deed by the Gram Panchayat, I deem it appropriate that the petitioner should seek amendment of the suit, being a subsequent event and assail the order

challenged herein in the suit. In case any application for amendment is

filed, the trial Court shall decide the same in a most pragmatic manner keeping in view the subsequent event having taken place during the pendency of the suit.

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

(AMIT RAWAL)
JUDGE

February 06, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No