

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

CWP No.7045 of 2017

Date of Decision.09.05.2017

Lakhwinder Singh and anotherPetitioners

Vs

Financial Commissioner, Punjab and othersRespondents

Present: Mr. Manish Kumar Singla, Advocate
for the petitioners.

Mr. HPS Ghuman, Advocate
for respondent No.4.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

Mr. Ghuman appearing for the contesting-respondent No.4 has brought to the notice of this Court the decision dated 18.04.2017 rendered in CWP No.7569 of 2017 titled as “***Joga Singh Vs. Financial Commissioner, Revenue Punjab, Chandigarh and others***” whereby the impugned orders dated 23.01.2017 and 19.07.2016 in respect of mutation in favour of Karnail Singh were challenged and this Court relegated the petitioner to avail the remedy of Civil Court.

Mr. Ghuman submits that impugned orders in the present writ petition are also same whereas the petitioners are claiming to be sons of late Harbans Kaur widow of Karnail Singh and Joga Singh had disputed the marriage i.e. relationship.

Mr. Singla, learned counsel appearing on behalf of the petitioners submits that on the application moved by the petitioners, the Assistant Collector Grade I, ordered the mutation bearing No.2664 in favour of the petitioners. However, the same was set aside by the Commissioner

by remanding the matter back and the Financial Commissioner also upheld

the same.

He further submits that the mutation cannot be kept in abeyance in view of the ratio decidendi culled out from the judgment of Division Bench of this Court in **Jagjit Singh Vs. Divisional Commissioner Patiala and others 2012(13) RCR (Civil) 96.** He would not be averse defending the matter in civil suit filed by Joga Singh regarding challenging the mutation, much less, relationship of the petitioners with Karnail Singh, arising out of alleged marriage with late Harbans Kaur.

In view of the aforementioned fact, I am of the view that orders of the Commissioner and the Financial Commissioner cannot be sustained and the order of the Assistant Collector 1st Grade is required to be maintained, in view of the ratio decidendi referred to above. However, the same will be subject to the outcome of the suit, in case filed or to be filed by either of the parties.

The writ petition stands disposed of in the aforementioned terms.

(AMIT RAWAL)
JUDGE

May 09, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No