

**R.A. No.192 of 2017 (O&M) in
CWP No.26466 of 2016**

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

**R.A. No.192 of 2017 (O&M) in
CWP No.26466 of 2016
Date of Decision.01.05.2017**

Smt. Kanchan Bhatia

.....Petitioner

Vs

Rupinder Kaur and others

.....Respondents

Present: Mr. Brijeshwar Singh Kanwar, Advocate
for the applicant-petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

C.M. No.4727 of 2017

For the reasons stated in the application, delay of 3 days in
filing the review application is condoned.

Application is allowed.

C.M. No.4728 of 2017

Application is allowed.

Exemption from filing certified copy of order dated 15.02.2017
(Annexure A-1) is granted and the same is taken on record subject to all just
exceptions.

R.A. No.192 of 2017

The present review application has been moved on the premise
that there are some factual errors in the order passed on 15.02.2017 which
are required to be modified/corrected.

I have gone through the order and found that there are some
errors apparent/clerical mistakes on the face of record, which are corrected
in the following manner:-

(i) that the fact that “*the petitioner is a subsequent purchaser from Harmesh Singh beneficiary of the Will dated 21.12.1992 executed by Ajaib Singh who is stated to have purchased some part of the property*” is modified to the extent that “*the petitioner is a subsequent purchaser from Gurbax Singh son of Ajaib Singh son of Banta Singh and Ranjit Singh and Jatinder Singh sons of Harmesh Singh son of Ajaib Singh, who inherited the same on the basis of Will dated 04.10.1992 executed by Ajaib Singh.*”

(ii) that the fact “*that the property was purchased on the basis of mutation bearing No.305 which was entered on the basis of the Will*” is modified to the extent that “*that the property was purchased on the basis of predecessor-in-owners being shown as owners in possession in Jamabandi of the year 2004-2005 as per the shares entered vide mutation No.16860.*”

(iii) the second line in paragraph No.2 that “*However, Rupinder Kaur, daughter challenged the aforementioned Will. The mutation bearing No.16860 on the basis of natural succession was also challenged.*” is modified to the extent that “*However, Rupinder Kaur, daughter of Ajaib Singh has filed a civil suit for declaration and possession on the basis of succession, pending before the learned Civil Court, Batala, qua the properties of Ajaib Singh. The mutation bearing No.16860 was entered on the basis of Will dated 04.10.1992.*”

(iv) The observation in the concluding paragraph that “*the mutation so long entered on the basis of natural succession*

*would not effect the right of party” is modified to the extent
that “the mutation so long entered on the basis of Will dated
04.10.1992 would not affect the right of the party.”*

The order dated 15.02.2017 is modified to the above extent and
the review application is allowed.

**(AMIT RAWAL)
JUDGE**

May 01, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No

**R.A. No.192 of 2017 (O&M) in
CWP No.26466 of 2016**

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as pointed out in the review application and accordingly, the order dated
15.02.2017 shall be read as under:-