

**CM-267-LPA-2015 in/and  
LPA-1101-2014 (O&M)**

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

**CM-267-LPA-2015 in/and  
LPA-1101-2014 (O&M)  
Date of Decision: August 02, 2018**

Mandir Mosuma Bara Dewala

.....Petitioner

Versus

The Financial Commissioner, Haryana and others

.....Respondents

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

Present: Mr.Puneet Jindal, Sr.Advocate with  
Mr.Amandeep Singh Meho, Advocate  
for the petitioner.

Mr.Lokesh Sinhal, Addl.AG, Haryana.

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**SURYA KANT, J.(ORAL)**

The instant Letters Patent Appeal is at the instance of landlord, which is a Temple, whose writ petition challenging the orders of Revenue Authorities comprising Assistant Collector, Ist Grade, Faridabad, Camp at Palwal, upto Financial Commissioner, Haryana, has been dismissed by learned Single Judge vide order under appeal dated 26.07.2012. Vide these orders, the application of the tenant -Puran son of Peeta (since deceased) to set aside the *ex parte* eviction order was allowed and the said order was further upheld in appeal and revision. Learned Single Judge has also affirmed that order. During the pendency of this appeal, the tenant (Puran son of Peeta) unfortunately passed away. One Shiv Ram, claiming himself to be the adopted son of Puran, sought his impleadment as a legal heir. The

appellant-landlord disputed his claim whereupon this Court passed different orders including the one directing the Civil Judge (Sr.Division), Palwal to send a fact finding report regarding status of Shiv Ram as adopted son of Puran, after giving opportunity of hearing to both the parties on the issue of adoption. The Civil Judge (Sr.Division), Palwal has sent the report rejecting claim of Shiv Ram being adopted son of Puran.

[2] At this juncture, we have heard learned counsel for the parties. The report sent by the Civil Judge (Sr.Division) Palwal cannot be treated as a decree passed in a declaratory suit nor as a finding returned in the course of judicial proceedings. If that is so, Shiv Ram, the alleged son of Puran, cannot be left remedy-less. The land is already in possession of the appellant-landlord since the year 1979. In such a situation, the only effective recourse appears to be to permit Shiv Ram, the stated son of Puran, to file a suit for declaration on the basis of his alleged registered Adoption Deed and establish his claim as the adopted son of late Puran. The appellant-landlord-cum-temple will be impleaded as a party-defendant in the suit and the appellant shall be entitled to controvert the claim of Shiv Ram by relying upon the report submitted by the Civil Judge (Sr.Division), Palwal to this Court, on administrative side. However, the Civil Court shall not treat that report binding on it and shall decide the controversy independently on the strength of evidence to be led by both the parties before it. The Civil Court, Palwal is directed to make an endeavour to decide the civil suit as early as possible and preferably within six months from the date of its filing, subject to cooperation of both the parties. In case

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it is proved that Shiv Ram is actually the adopted son of late Puran, the appellant shall be entitled to seek revival of these proceedings subject to right to appeal etc. on the civil side. In case Shiv Ram fails to establish such claim, these proceedings shall be taken to have abated.

**( SURYA KANT )  
JUDGE**

**August 02, 2018**  
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**( SUDIP AHLUWALIA )  
JUDGE**

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| <b>1. Whether speaking/reasoned ?</b> | <b>Yes/No</b> |
| <b>2. Whether reportable ?</b>        | <b>Yes/No</b> |