

CWP-42785-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-42785-2018

Date of Decision: January 7th, 2019

David Harwinder Singh Dosanjh

...Petitioner

Versus

Financial Commissioner (Appeals), Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rai Singh Chauhan, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Learned counsel for the petition has argued the case at length but he has expressed apprehension with regard to the observations made by the Assistant Collector Ist Grade in the order dated 28.08.2014 (Annexure P-8) casting doubts upon the genuineness of the Will dated 23.11.2013 (Annexure P-1), which have been followed by the higher authorities. He, however, states that in case, those findings are held to be limited to the extent of revenue authorities and shall have no bearing upon the alternative remedy which the petitioner intends to avail of to prove the validity/genuineness of the Will, he would not press the present writ petition.

Having considered the submissions made by the learned counsel for the petitioner and keeping in view the apprehension which has been expressed by him as recorded above, it goes without saying that any

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observations/findings recorded by the Revenue Authorities are not binding upon the Civil Court rather it is the other way as the observations/findings recorded by the Civil Court are binding upon the Revenue Authorities. The apprehension of the counsel for the petitioner is totally misplaced and therefore, this Court has no doubt that the Civil Court will proceed to decide the case if the petitioner avails of his alternative remedy of approaching the Civil Court with regard to the authenticity and genuineness of the Will dated 23.11.2013 (Annexure P-1).

With the above observations, the present writ petition is permitted to be withdrawn by the counsel for the petitioner to avail of his remedy in accordance with law.

(AUGUSTINE GEORGE MASIH)
JUDGE

January 7th, 2019
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No