

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

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C.W.P.No. 14420 of 2019 (O&M)

Date of Decision:- 12.02.2020

Dalbara Singh

....Petitioner

vs.

The State of Punjab and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Petitioner in person.

Mr. V.M. Gupta, Addl.A.G., Punjab.

Sudhir Mittal, J. (Oral)

C.M. No.17407 of 2019

For the reasons stated therein, the application is allowed subject to all just exceptions.

Counter of the petitioner to affidavit of respondent No.3 along with Annexures A-1 and A-2 is taken on record.

Application stands disposed of.

CWP No.14420 of 2019

The petitioner seeks a share in the property of his father through this writ petition.

The father of the petitioner, namely, Bachan Singh executed a registered gift deed dated 27.5.2016 in favour of his daughter-in-law Amarjit Kaur wife of Ranjit Singh. On the basis of said gift deed, mutation no. 8934 was entered on 13.6.2016. The petitioner disputed the gift deed and,

thus, the mutation was declared a contested mutation. After hearing the parties, the said mutation was sanctioned on 14.9.2016 by finding that the registered gift deed dated 27.5.2016 was a legal and valid document.

The petitioner made a complaint against the aforesaid mutation to various authorities whereupon this Court directed the Deputy Commissioner, Ludhiana, to get an enquiry conducted. Consequently, an enquiry was conducted by the Tehsildar, Payal and report dated 26.8.2019 has been placed on record. According to this enquiry report, the mutation has been sanctioned on the basis of the registered gift deed and if the petitioner is aggrieved by the gift deed, his only remedy is to file a civil suit challenging the same. Unless and until the gift deed is set aside, mutation has to be sanctioned on its basis.

The petitioner who is appearing in person submits that a counter to the aforementioned report and affidavit, under which the report was placed on record, has been filed through C.M.No.17407 of 2019 and no reply thereto has been filed till date.

No reply is required to be filed to the said application as the same is only for placing on record a counter to the affidavit aforementioned along with annexures. The annexures are nothing but the affidavit aforementioned along with the enquiry report as well as a complaint dated 3.5.2016.

The petitioner insists that he has a share in the property of his father and he must be granted the same.

Unless and until gift deed dated 27.5.2016 is set aside, no relief can be granted to the petitioner.

Thus, the writ petition is dismissed being meritless. The

petitioner shall, however, be at liberty to challenge the gift deed dated 27.5.2016 in accordance with law, if so advised and if permissible under the law.

February 12, 2020
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned Yes

Whether Reportable No