

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

CR-2392-2020 (O&M)

Date of decision:16.10.2020

Baldev Singh

...Petitioner

Versus

Saroj Raman and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.K. Goel, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Prayer in the present petition under Article 227 of the Constitution of India is for setting aside the orders dated 18.08.2020 and 10.09.2020 passed by Civil Judge (Junior Division), Karnal and District Judge, Karnal, respectively, being illegal and arbitrary.

Learned counsel for the petitioner states that the Courts below have taken into consideration that the petitioner/plaintiff-Baldev Singh was the owner in possession of the land mentioned in para 2 of the plaint as per jamabandi for the year 2001-2002. The specific numbers were granted to Kamla Devi, and Bala Devi. The mutation was sanctioned way back in 2009. No objection was raised by the petitioner-plaintiff on the sanctioning of such mutation even till the filing of the suit in the year 2020.

Learned counsel for the petitioner further states that there was an oral family settlement amongst Kamla Devi, Bala Devi, Baldev Singh,

petitioner-plaintiff, Shakuntla Devi-performa respondent No.7. As per the said oral family settlement, the petitioner had relinquished his right of the property in question in favour of Kamla Devi and Bala Devi. However, while passing the impugned orders, the Courts below did not take the said oral family settlement into consideration.

I have heard learned counsel for the petitioner.

In the present case, admittedly, the mutation was sanctioned in favour of Kamla Devi and Bala Devi way back in the year 2009 and specific numbers were also allotted to them. The petitioner-plaintiff had never raised any objection qua sanctioning of such mutation till the filing of the suit in the year 2020. Thus, the findings recorded by the Courts below cannot be found any fault with.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

16.10.2020

ishwar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No