

LPA-701 of 2021 (O&M)

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

LPA-701 of 2021 (O&M)
Date of decision : 15.09.2021

Jarnail Singh

... Appellant

Versus

Financial Commissioner, Revenue, Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: Mr. S.S. Swaich, Advocate, for the appellant.
Mr. Vikas Mehsempuri, Advocate, for the caveator-respondents.

AUGUSTINE GEORGE MASIH, J.(ORAL)

Learned counsel for the appellant submits that the appellant has filed civil suit challenging the mutation which has been sanctioned in favour of the private respondents and has also filed a title suit which is pending before the courts. Apprehension of the appellant is the order dated 23.11.2020 which has been passed by the learned Single Judge of this Court, where observations have been made with regard to the validity or otherwise of 'will' dated 02.06.2016. His contention is that his civil suits would be rendered virtually liable to be dismissed, in the light of those findings and, therefore, the said order dated 23.11.2020 should not act as an impediment for the Civil Court to proceed with the case as per the pleading and the evidence to be led by the parties.

Learned counsel for the contesting respondents submits that this fact was neither brought to the notice of the learned Single Judge nor has

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it been pleaded in grounds of appeal before this Court. He although opposes the prayer which has been made by the counsel for the appellant but could not dispute the legal proposition that the aspect of correctness of the 'will' has to be proceeded with and decided by the Civil Court.

In the light of the above, we dispose of the present appeal by observing that any observations which have been made by the learned Single Judge in the order dated 23.11.2020 shall have no effect upon the independent consideration of the pleadings and the evidence to be led by the parties in the civil suits.

With these observations, we dispose of the present appeal.

In view of the disposal of the appeal, pending miscellaneous applications i.e. CM-1723-LPA of 2021 and CM-1726-LPA of 2021 stand disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

September 15, 2021
R.S.

Whether speaking / reasoned Yes/No

Whether reportable Yes/No