

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

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C.W.P. No.19915 of 2021

Date of Decision:- 18.05.2022

Zora Singh

....Petitioner

vs.

Financial Commissioner (Appeals), Punjab and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Sherry K. Singla, Advocate,
for the petitioner.

Sudhir Mittal, J. (Oral)

The petitioner has filed a civil suit on 25.07.2005 seeking a declaration of title over 5/6th share in the suit property. The suit has been dismissed and the appeal has also failed. Meanwhile, vide sale deed dated 06.03.2006, respondent No.5 purchased the entire suit property from respondents No. 6 and 7. Regular Second Appeal has been entertained by this Court and creation of 3rd party rights has been stayed. Thus, the question whether respondent No.5 has acquired title to the suit property by virtue of the sale deed is still open.

On the basis of the sale deed aforementioned, respondent No.5 had sought entry of mutation in his favour but the proceedings were adjourned sine die to await the decision of the Civil Court by the Assistant Collector, Ist Grade. Appeal there-against by respondent No.5 was dismissed. However, revision succeeded and a direction was issued to enter a mutation on the basis of the Appellate Court decree. The Financial Commissioner has noticed the pendency of the regular second appeal but has upheld the order of the Commissioner. Further, contradictory orders have been passed by him. He has directed the Assistant

passed by this Court in the regular second appeal. Thus, a contradiction has crept into the order dated 05.12.2019 passed by the Financial Commissioner.

Learned counsel for the petitioner submits that the contradiction aforementioned may be clarified.

Accordingly, the writ petition is disposed of with the directions that mutation will only be entered on the basis of the final judgment and decree to be passed by this Court.

May 18, 2022
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No