

CWP-18780-2022

Date of Decision: 25.08.2022

Simerjit Kaur

....Petitioner

VS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Ankur Bansal, Advocate for the petitioner

SUDHIR MITTAL, J. (Oral)

An application has been filed for entry of mutation on the basis of registered Will dated 30.01.2013. Proceedings have been objected to on the ground that validity of the Will is pending adjudication before the civil Court and the proceedings be adjourned to await the decision. The objection has been rejected and, thus, the present writ petition has been filed.

Learned counsel for the petitioner has relied upon judgment dated 06.09.2021 passed in SLP(C) No. 13146 of 2021 titled as *Jitendra Singh vs. The State of Madhya Pradesh and others* to argue that mutation proceedings should be kept in abeyance to await the decision of the civil Court.

In *Jitendra Singh (supra)*, it has been held that entry of mutation on the basis of Will when the validity of the same is under challenge before civil Court is illegal. There is no quarrel with this proposition of law. As on date, no entry has been made. Only proceedings are pending. The petitioner is presuming that mutation would be entered on the basis of the Will. A writ petition can not be filed on the basis of a presumption.

The writ petition is, accordingly, dismissed as being pre-mature.

25.08.2022

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(SUDHIR MITTAL)
JUDGE