

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-7044-2018

Date of Decision: 16.08.2022

Amarjit Singh

....Petitioner

VS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner

Mr. Vijay Rana, Advocate
for the caveator – respondent No. 3

SUDHIR MITTAL, J. (Oral)

Inheritance of late Kartar Singh of village Dariya, Tehsil Dasuya, District Hoshiarpur is in dispute. He died on 22.02.2007 leaving behind the petitioner and respondents No. 3 to 6 as his surviving heirs. However, during his life time he had executed a Will dated 09.10.2002 in favour of the petitioner and respondent No. 3 only. Allegedly, late Kartar Singh had disowned respondent No. 3 on 23.12.2006 by making a statement before the Notary Public Hoshiarpur and also making a publication in the newspaper. However, the Will was not altered.

After the death of Kartar Singh, the Assistant Collector 2nd Grade entered a mutation in favour of the petitioner and respondent No. 3 in equal shares. Other private respondents raised a dispute and the matter was referred to the Assistant Collector 1st Grade, Dasuya, who sanctioned the mutation entered by the Assistant Collector 2nd Grade. Further, appeal and revisions have been dismissed.

The petitioner has filed this writ petition as the authorities below have not taken into consideration the disowning of respondent No. 3 on 23.12.2006.

Learned counsel for the petitioner submits that the authorities below should have taken into consideration the affidavit dated 23.12.2006 while deciding the mutation case. Having not done so the impugned orders are liable to be modified.

The argument is misconceived. Late Kartar Singh had executed a registered Will dated 09.10.2002 in favour of the petitioner and respondent No. 3. Despite execution of affidavit dated 23.12.2006, the Will was not altered and, thus, the affidavit was not entitled to be taken into consideration. The findings of the Courts below are not liable to be interfered with.

The writ petition has no merit and is dismissed.

16.08.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No