

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-23998-2022

Date of Decision: 18.10.2022

Gurpal Singh (Now Deceased through his LRs)**....Petitioner****VS****Financial Commissioner Revenue, Punjab and others****....Respondents****CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**Present:- Mr. Kanwaljeet Singh Derabassi, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

One Pritam Kaur wife of Babu Singh (step mother of the petitioner) has executed sale of her share in certain property in favour of respondent No. 7 vide registered sale deed dated 03.12.2012. Based thereupon she sought entry of mutation but proceedings were adjourned sine die on the ground that a civil suit challenging the transfer of property in favour of Pritam Kaur was pending adjudication. Appeal filed by her failed. However, revision succeeded and second revision filed by the petitioner has been dismissed. Thus, the present writ petition has been filed.

A perusal of the impugned order passed by the Financial Commissioner shows that suit for injunction filed by the petitioner was dismissed and appeal there against has also failed. Even though Regular Second Appeal is pending, there is no order of grant of interim injunction in favour of the petitioner and, thus, order of sanction of mutation on the basis of sale deed has been upheld.

Learned counsel for the petitioners has submitted that a civil suit challenging title of Pritam Kaur to the property in dispute was filed. The same

was dismissed but appeal there against is pending adjudication. In this view of the

matter the sale in favour of respondent No. 7 was illegal and consequent mutation on the basis thereof is also illegal.

The submission can not be accepted as admittedly, the aforementioned civil suit has been dismissed by the trial Court. Merely because an appeal against the said order is pending adjudication, it can not be argued that Pritam Kaur had no title to alienate the property. Injunction suit has also been dismissed and there is no order of interim injunction in the Regular Second Appeal. Thus, entry/sanction of mutation on the basis of sale deed was justified. Ultimately, if the petitioner succeeds in his appeal, the mutation will be rendered useless as it is settled law that mutation does not confer title.

In view of the above, the writ petition has no merit and is dismissed.

18.10.2022
reena

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No