

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-29294-2022

Date of Decision: 19.12.2022

Jameel Mohammad

....Petitioner

VS

Ld. Financial Commissioner (Appeals) Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

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

SUDHIR MITTAL, J. (Oral)

Respondent No. 5 sought entry of mutation on the basis of oral gift reduced into writing on 27.07.2004. The mutation has been rejected by the Assistant Collector 1st Grade but appeal filed by the said respondent has been allowed. The matter has been remanded for a fresh decision on the ground that adequate opportunity of hearing was not granted to respondent No. 5. Further, appeal filed by the petitioner has failed as has his revision petition. Thus, the present writ petition has been filed.

Learned counsel for the petitioner has submitted that perusal of order dated 04.03.2011 shows that respondent No. 5 had closed his evidence himself and, thus, the finding that he was not granted adequate opportunity to lead evidence is erroneous.

The facts of this case show that vide order dated 14.06.2011, the Assistant Collector 1st Grade had entered a mutation on the basis of aforementioned gift deed. In an appeal filed by the petitioner, the matter was declared contested

and was remanded for a fresh decision. Thereafter, the case was taken up by the

Assistant Collector 1st Grade on 14.12.2012. Thus, reliance upon order dated 04.03.2011 is not justifiable. Three Courts below have returned concurrent finding of fact that adequate opportunity to lead evidence was not provided to respondent No. 5 and learned counsel for the petitioner has been unable to displace the same.

Thus, the writ petition has no merit and is dismissed.

19.12.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No