

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

114

2023:PHHC:092376-DB

CWP-15428-2023

Date of Decision: 21.07.2023

Davinder Singh

.....Petitioner(s)

Versus

The Estate Officer, Chandigarh and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Manjot Singh Gujral, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

1. Prayer made in the present writ petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of mandamus directing respondent Nos.1 and 2 to transfer the share of H.No. 1205, Sector 21-B, Chandigarh in accordance with the registered Will dated 13.09.2005 (Annexure P-1) in the name of the beneficiaries.
2. Notice of motion.
3. Mr. Shreenath A. Khemka, Advocate accepts notice on behalf of the respondents having been served advance of the petition.
4. It has been brought to the notice of this Court that representations dated 22.05.2023 and 02.05.2023 (Annexures P-8 and P-9, respectively) have already been filed with respondent No.1. A perusal of the said representations would also go on to show that apparently there was a litigation *inter se* the legal heirs of Ajmer Singh regarding the execution of the Will which has also been decided upto this Court in RSA-5361-2018.

5. *Prima facie*, we are of the considered opinion that the issue as such of any dispute regarding the Will already stands settled since civil suit was dismissed which was filed by Amarjit Kaur, who was the daughter-in-law of Ajmer Singh being w/o Kulbir Singh, who was the deceased-brother of the present petitioner. It has also been brought to our notice that in pursuance of the said Will, applications had earlier also been filed and even public notice was issued way back in the year 2017 (Annexure P-7), which were apparently not acted upon since the regular second appeal was only decided on 26.09.2018 (Annexure P-6).

6. Accordingly, without commenting upon the merits of the case as such, we are of the considered opinion that respondent No.1 shall take action on the above said representations filed within a period of 4 weeks from the date of receipt of certified copy of the order. In case there is any legal impediment which stands in the way of not granting the necessary relief, a reasoned order be passed and communicated to the petitioner.

7. Writ petition stands disposed of accordingly.

(G.S. SANDHAWALIA)
JUDGE

21.07.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No