

2023:PHHC:106469

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

CRM-M-16959-2017

Date of Decision: 17.08.2023

Ajit Singh

..... Petitioner

Versus

Financial Commissioner (Appeal) and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rai Singh Chauhan, Advocate and
Ms. Deepika Chauhan, Advocate, for the petitioner.
Mr. Arun William, Assistant Advocate General, Punjab.
Mr. Satbir Rathore, Advocate, for respondents No.5 to 7.

Rajesh Bhardwaj, J. (ORAL)

Petitioner has approached this Court praying for quashing of order dated 15.12.2016 (Annexure P-7) passed by respondent No.1 and the order dated 26.02.2009 (Annexure P-5) passed by respondent No.2 and further the order dated 30.10.2008 (Annexure P-4) and order dated 31.07.2007 (Annexure P-3) passed by SDM-cum-Assistant Collector Ist Grade, Mukerian relating to mutation No.1655 regarding inheritance of Nihal Chand sanctioned in favour of all the legal heirs may be upheld.

Learned counsel for the petitioner has submitted before this Court that during the pendency of this case, both the sides have amicably resolved their outstanding issues. It is submitted that the order dated 31.07.2007 (Annexure P-3) passed by the Assistant Collector Ist Grade sanctioning the mutation on the basis of inheritance was challenged by respondents No.5 to 7 by way of filing an appeal, which was dismissed vide order dated 31.10.2008 (Annexure P-4) by the District Collector. He submits that however, the revision filed against the order dated 31.10.2008 was accepted by the learned Commissioner vide order dated 26.02.2009 (Annexure P-5). He has submitted

that as the parties have now amicably settled the dispute that mutation as sanctioned vide order dated 31.07.2007 is right and that would meet the interest of all the parties. He submits that as both the parties have already settled the dispute amicably, the order of the Financial Commissioner and that of the Commissioner be set aside.

Learned counsel for respondents No.5 to 7 has placed on record affidavit of Kashmir Kaur D/o late Nihal Chand w/o Raghuvir Singh and has endorsed the submissions made by learned counsel for the petitioner that the parties have duly resolved their dispute by way of amicable settlement.

In view of the submissions made by learned counsel for the parties, this Court finds that the matter stands compromised. The order dated 26.02.2009 passed by the learned Commissioner, Jalandhar Division, Jalandhar and order dated 15.12.2016 passed by the learned Financial Commissioner are set aside as both the sides have decided that mutation as sanctioned by the Assistant Collector Ist Grade vide order dated 31.07.2007 meets the ends of justice for both the sides.

The present petition is allowed in above mentioned terms on the basis of the compromise arrived at between the parties.

17.08.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No