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

CWP-20249-2021 (O&M)
Date of decision : 01.05.2024

Jasbir Singh**.....Petitioner**

versus

The Financial Commissioner (Revenue), Punjab and others**..... Respondents**

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Munish Kumar Chaudhary, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.**CM-7218-CWP-2024**

Application is allowed as prayed for.

CM-7219-CWP-2024

Application is allowed as prayed for.

Annexures P-9 and P-10 are taken on record.

Main case

1. Prayer in the present petition is for quashing/setting aside the impugned orders i.e. order dated 19.02.2021 (Annexure P-8) passed by respondent No.1, order dated 19.11.2019 (Annexure P-5) passed by respondent No.2, impugned order dated 06.06.2007 (Annexure P-3) passed by respondent No.3 and impugned order dated 11.12.2006 (Annexure P-1) passed by respondent No.4. Further prayer has been made for remanding the case back to respondent No.1 by directing him to pass order afresh after giving the opportunity of being heard to the petitioner.

2. It has been submitted by counsel for the petitioner that learned Assistant Collector Ist Grade has sanctioned the mutation regarding property of deceased-Karamjit Kaur in favour of respondent No.5-Tarjit Kaur on the basis of the Will dated 25.09.2002. Said Karamjit Kaur was the mother of petitioner and she had executed a registered Will dated 08.04.1992 in favour of the petitioner Jasbir Singh and her grandsons i.e. respondents No.8 and 9. However, the Assistant Collector Ist Grade did not allow the petitioner to produce the affidavits of the petitioner, deed writer and the attesting witnesses of the said Will. He has submitted that the same has resulted in a material prejudice to the petitioner. He has submitted that Karamjit Kaur had allegedly executed three more Wills dated 25.05.1995, 23.04.2002 and 25.09.2002. He submits that the Mutation No.6647 in respect of the inheritance of the property of Karamjit Kaur was sanctioned in favour of the petitioner and respondents No.7 and 8 in equal shares on the basis of the valid registered Will dated 08.04.1992. Respondent No.5-Tarjit Kaur filed an appeal against the said mutation and the case was remanded to Assistant Collector Ist Grade, Patti for decision afresh. On 11.12.2006, the impugned mutation was ordered to be sanctioned on the basis of Will dated 25.09.2002 exclusively in the name of respondent No.5-Tarjit Kaur. He submits that no opportunity was granted to the petitioner to lead his evidence to prove the Will dated 08.04.1992 and thus, the petitioner assailed the same by way of filing the appeal. However, the appeal was dismissed vide impugned order dated 06.06.2007. Still aggrieved, petitioner challenged the same by way of filing the revision petition before the learned Commissioner. However, learned Commissioner also dismissed the same vide impugned order dated 19.11.2019. Thus, being aggrieved, petitioner filed ROR along with stay application before respondent No.1. However, without hearing the petitioner, the ROR filed was dismissed by respondent No.1 vide impugned order dated

19.02.2021. Thus, he submits that the impugned orders being cryptic, arbitrary and against the principles of natural justice, deserves to be *set aside*.

3. Heard. On hearing counsel for the petitioner and perusing the record, it emanates that Mutation No.6647 relating to the inheritance of Karamjit Kaur (deceased) was entered on the basis of registered Will dated 08.04.1992. Respondent No.5-Tarjit Kaur filed appeal before the Collector who vide order dated 31.01.2006 declared the mutation as contested. Thereafter, the SDM-cum-Assistant Collector Ist Grade sanctioned the mutation vide order dated 11.12.2006 in favour of respondent No.5-Tarjit Kaur on the basis of the registered Will dated 25.09.2002. The appeal filed before the Collector was dismissed on 06.06.2007 and the revision filed against the same was dismissed by the learned Commissioner on 19.11.2019. It is evident from the record as observed by learned Commissioner that the Will dated 25.09.2002 has been accepted by the Civil Court. It is further found from the record that the civil suit for declaration filed by the petitioner has been dismissed by learned Civil Judge, Tarn Taran vide his judgment and decree dated 18.01.2016. Thus, there is no dispute to the fact that the mutation has been entered on the basis of the registered Will which has been examined and accepted by the Civil Court. Hence, the Revenue Authorities had complied with the same.

4. Thus, this Court finds no infirmity in the impugned order and hence, the petition being devoid of any merits is hereby dismissed.

01.05.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No