

2025:PHHC:123272



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

CWP-9337-2025 (O&M)
Date of decision :09.09.2025

PARAMJIT KAUR

...Petitioner

Versus

LD. FINANCIAL COMMISSIONER (APPEALS),
PUNJAB, CHANDIGARH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sunny K. Singla, Advocate
and Mr. Navdeep Jain, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

HARSH BUNGER, J. [ORAL]

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for setting aside the order dated 28.09.2021 (Annexure P-3) passed by the learned Commissioner, Patiala Division, Patiala and also the order dated 07.11.2024 (Annexure P-4) passed by the learned Financial Commissioner Appeals, Punjab.

2. Succinctly, the present petition arises out of the mutation proceedings in respect of inheritance of Ramanpreet Singh son of Sh. Balwinder Singh, who expired on 23.08.2016.

2.1 Present petitioner-Paramjit Kaur is the mother of Ramanpreet Singh and she claims inheritance on the basis of Will dated 24.04.2016, alleged to be executed by deceased-Ramanpreet Singh.

2.2 It appears that the petitioner approached the revenue authorities for mutating the estate of deceased Ramanpreet Singh in her favour on the basis of afore-said Will dated 24.04.2016; however, the same was objected to by respondent No.5-Sukhdeep Kaur (wife of deceased Ramanpreet Singh). Since the mutation was contested and the same was put up for decision before the Assistant Collector Ist Grade, Rajpura, who vide his order dated 30.01.2018 (Annexure P-1) directed that the mutation regarding inheritance of deceased Ramanpreet Singh, be sanctioned in favour of his natural heirs, which included the petitioner-Paramjit Kaur as well as respondent No.5-Sukhdeep Kaur.

2.3 The afore-said order was challenged by the petitioner by filing an appeal before the learned Collector, Patiala, who vide his order dated 23.05.2018 (Annexure P-2) allowed the appeal, by observing that the witnesses have proved the Will.

2.4 The Collector's order was challenged by respondent No.5 by filing an appeal before the learned Commissioner, Patiala Division, Patiala who vide order dated 28.09.2021 (Annexure P-3) allowed the appeal by observing as under :-

“6. I have given my thoughtful consideration to the submissions made by the two parties and have also closely perused the record as is available on the file. In this case the mutation in question is regarding inheritance of Ramanpreet Singh son of Balwinder Singh who died on 23-08-2016 leaving behind a mother and widow as class-1 legal heirs. The appellant being wife is claiming the mutation on the basis of natural succession whereas the respondent is claiming the

mutation on the basis of an unregistered Will dated 24-04-2016. The A.C. Ist grade had sanctioned the mutation on the basis of natural succession but in the appeal the Collector has sanctioned the mutation on the basis of said Will. The main contention of the appellant is that the Will is a forged and fabricated document and could not be relied upon for sanctioning of mutation and as such the mutation should have been sanctioned on the basis of natural succession.

*After perusing all the facts of the case, it is evident that the appellant is legally wedded wife of the deceased. The respondent has claimed that the appellant is not wife of the deceased but she has failed to adduce any cogent evidence to prove this fact. The respondent has also failed to prove that the Will in question is a genuine document. There were cordial relations between the deceased and his wife. There is no document placed on record to prove that the deceased had strained relations with his wife. As such there was no reason for the deceased to disinherit his wife from his succession and to execute a Will in favour of his mother. It is a well settled law that if a revenue officer finds even a slightest doubt in the execution of any document, he can ignore the same and the best option in that circumstances is to sanction the mutation on the basis of natural succession. If the respondent is having any Will in her favour she can get proved it as a genuine document from the competent civil court. In the present circumstances, the mutation should have been sanctioned on the basis of natural succession. The appeal filed has merits and is liable to be accepted. Thus the appeal filed is hereby **accepted**. The impugned order dated 23-05-2018 passed by Collector (ADC) Patiala is set aside. The order dated 30-01-2018 passed by A.C. Ist grade (SDM) Rajpura is upheld.”*

2.5 Being dissatisfied, the petitioner preferred a revision petition (**ROR-438-2024**) before the learned Financial Commissioner, Punjab,

which was also dismissed vide order dated 07.11.2024 (Annexure P-4), by observing as under :-

“7. Upon consideration of the submissions made by both parties and the evidence on record, it is evident that the alleged Will is unregistered and its genuineness is in serious dispute. The FSL report casts doubt on the authenticity of the signatures on the Will, and the testimonies of the attesting witnesses do not conclusively establish its execution. Furthermore, the petitioner has failed to provide convincing evidence to support her contention that the respondent was estranged from the deceased or that the deceased intended to exclude his legally wedded wife from his inheritance. On the contrary, the respondent’s claim based on natural succession is consistent with the provisions of the Hindu Succession Act, 1956. Additionally, there is an unexplained delay of 889 days in filing the present revision petition, which further weakens the petitioner’s case. The petitioner has not provided sufficient justification for this delay, and it is well-settled law that delay defeats equity.

8. In view of the above findings, it is evident that the orders passed by the Divisional Commissioner and the Assistant Collector are well-reasoned and in accordance with law. No illegality or perversity has been found in these orders that would warrant interference by this Court.

*9. Resultantly, the revision petition is hereby **Dismissed.**”*

2.6 In the afore-mentioned circumstances, the present writ petition has been filed before this Court, for seeking relief, as noticed here-in-above.

3. Heard.

4. During the course of hearing, a specific query was raised to learned counsel for the petitioner as to whether any civil suit is pending between the parties as regards the Will in question. In response thereto,

learned counsel for the petitioner has stated that the petitioner had filed a civil suit claiming inheritance on the basis of Will; however, the same was dismissed and presently, an appeal is pending. Although, a copy of the judgment passed by the Civil Court has neither been attached with the writ petition nor a copy thereof has been shown in the Court.

5. Be that as it may, relying upon the statement made at bar by the counsel for the petitioner that the civil suit filed by the petitioner stands dismissed and presently, an appeal is pending; the present writ petition is dismissed with the observation that the parties shall abide by the final adjudication to be rendered in the civil proceedings pending between them.

6. All pending applications (if any) shall also stand closed.

September 09, 2025
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No