IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(222) **LPA-525-2022 (O&M)**
Date of Decision : December 02, 2025

Sant Lal and another **.. Appellants**

Versus

The Commissioner, Gurugram Division, Gurugram and others **.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Abhishek Sharma, Advocate, for the appellants.

Mr. Sandeep Chhabra, Addl. A.G., Haryana.

None for respondents No. 4 to 8.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-1196-LPA-2022

Present application has been filed for placing on record copy of the judgment of the Hon'ble Supreme Court of India in SLP (C) No. 13146 of 2021 titled as Jitender Singh vs. State of Madhya Pradesh dated 06.09.2021 as Annexure A-1.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Annexure A-1 is taken on record.

LPA-525-2022 (O&M)

1. In the present appeal, the challenge is to the order dated 25.05.2022 passed by the learned Single Judge in CWP No.11428 of 2022 wherein, the mutation entry on the basis of the Will, has not been interfered with by recording a finding that the mutation will not give a title.

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2. Learned counsel for the appellants submits that even the mutation could not have been entered into till the Will is proved hence, the recording of a mutation on the basis of the Will is contrary to the order passed by the Hon'ble Supreme Court of India in ***SLP (C) No. 13146 of 2021 titled as Jitender Singh vs. State of Madhya Pradesh decided on 06.09.2021,*** which fact has been ignored by the learned Single Judge.

3. We have heard learned counsel for the parties and have gone through the record with their able assistance.

4. The Will purported is of the year 2009 and that too by the father of the parties litigating. The submission of the appellants is that the Will should be proved first before getting the mutation entered.

5. In the present case, there is no challenge that the father of the appellants as well as the respondents was the owner of the property in question. After the year 2009, no effort has been made by the appellants to challenge the said Will despite knowledge. Rather, the effort is that the other side should prove the Will before getting the mutation entered.

6. Once despite knowledge, the Will has not been challenged, the mutation entry, which does not depict the ownership but only the certain facts qua the land in question, have rightly not been interferred with the learned Single Judge.

7. At this stage, learned counsel for the appellants submits that liberty be given to the appellants to challenge the said Will.

8. In case, the said Will can be challenged even as of now, the appellants will be at liberty to avail the said remedy.

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9. The present appeal is disposed of in above terms.

10. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 02, 2025 **(VIKAS SURI)**
harsha **JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No

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