



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

137

CWP-16229-2026 (O&M)
Date of Decision: 22.05.2026

Harbans Kaur

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sherry K. Singla, Advocate, for the petitioner.

HARSH BUNGER J. (ORAL)

Present writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *Certiorari* for setting aside the order dated 28.10.2021 (Annexure P-1) passed by the learned Assistant Collector 1st Grade, Patiala, whereby Mutation No.1865 of village Mavi Sappan, Tehsil and District Patiala as regards the succession to the estate of Harjinder Singh (son of the present petitioner-Harbans Kaur) has been sanctioned on the basis of natural succession.

1.1 A further prayer has been made for setting aside the order dated 10.04.2024 (Annexure P-2) passed by the learned District Collector, Patiala and also the order dated 12.03.2026 (Annexure P-3) passed by the learned Financial Commissioner (Appeals), Punjab, whereby an appeal as well as the revision petition preferred by the petitioner challenging the order passed



by the learned Assistant Collector 1st Grade, have been dismissed respectively.

2. Briefly, son of the petitioner, namely Harjinder Singh, unfortunately expired on 10.07.2020 at a young age and according to learned counsel for the petitioner, Harjinder Singh was aged about 25 years at the time of his death. Upon demise of Harjinder Singh, Mutation No.1865 of village Mavi Sappan, Tehsil and District Patiala was entered regarding inheritance to the estate of Harjinder Singh, wherein petitioner Harbans Kaur propounded unregistered will dated 14.06.2020. Learned Assistant Collector 1st Grade after considering the matter, passed an order dated 28.10.2021 (Annexure P-1), whereby he sanctioned the mutation regarding succession to the estate of deceased Harjinder Singh in favour of his natural heirs.

3. Feeling aggrieved against the said order dated 28.10.2021 (Annexure P-1), the petitioner preferred an appeal before the learned District Collector, Patiala, which has been dismissed vide order dated 10.04.2024 (Annexure P-2).

4. Still aggrieved, the petitioner preferred a revision petition before the learned Financial Commissioner (Appeals), Punjab, which has also been dismissed vide order dated 12.03.2026 (Annexure P-3).

5. In the aforementioned circumstances, the present writ petition has been filed before this Court for seeking relief(s) as noticed hereinabove.

6. I have heard learned counsel for the petitioner and perused the paper-book with his able assistance.

7. During the course of hearing, it is not disputed before this Court that the petitioner has already approached the civil Court for seeking declaration of a title on the basis of the alleged will dated 14.06.2020,



wherein the learned Civil Judge (Junior Division), Patiala has already passed an order dated 28.02.2024 (Annexure P-4), the relevant extract of which reads as under:-

“Thus to preserve the subject matter of the suit property as well as to avoid multiplicity of litigation, both the parties are directed to maintain status quo with respect to suit property fully detailed in the headnote of the plaint till the final disposal of the suit.”

8. Learned Financial Commissioner while dismissing the revision petition filed by the petitioner, has returned the following findings:-

“4. After going through the Grounds of Appeal/Written arguments submitted by the Petitioner(s) & after perusing the contentions submitted by the respondent(s) before me/lower court(s) & further after examining the Case file(s) I have reached a conclusion that other issues being not of much consequence only the following issue(s) are relevant in deciding this petition. These issue(s) & my findings on them are as follow: -

The petitioner has urged before me that she is in possession of a valid & legal Unregistered Will which was duly proved by her before the AC Grade I despite which AC Grade I as well as the collector have disregarded the will & have gone on to sanction the mutation of the basis of natural succession. In my view the deceased was a young person & there was no pressing reason for him to do an unregd. Will just a month before his death. Further more in the first application filed by the petitioner before the revenue authorities there is no mention of any Will at all. Lastly the instant petitioner before me has herself said that she has moved the competent civil court to establish the bonafides of the unregd. Will produced by her which in my view is a step in the right direction. As far the revenue courts are concerned they are summary courts & all they have to see is



whether an Unregd. Will appears to be suspicious or not & in this case for the reasons discussed above the Will does appear to be suspicious & hence the lower revenue courts have rightly ignored it & gone on to sanction the mutation on the basis of natural succession. In my view if & when the petitioner is able to get a favorable order from a competent civil court, such order would be implemented in the revenue record but till that time no relief can be given to her & hence I uphold the orders of the lower revenue court & dismiss the revision being devoid of merits. ANNOUNCED.”

9. I have gone through the above extracted findings returned by the learned Financial Commissioner and in the prevailing circumstances, especially since the petitioner has already approached the civil Court seeking declaration qua her title on the basis of the alleged Will dated 14.06.2020 and since the jurisdiction to pronounce upon the genuineness or otherwise of the Will vests with the civil Court, I see no compelling reason warranting interference by this Court. Resultantly, the present writ petition fails and the same is accordingly dismissed.

10. All pending application(s), if any, shall also stand closed.

22.05.2026

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(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No