

**CWP-39466-2025 (O&M)**

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

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CWP-39466-2025 (O&M)**Date of decision: 18.02.2026****Charanjit Kaur**

....Petitioner

Vs.

Financial Commissioner (Appeals), Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGERPresent: Mr. Mitul Singh Rana, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

HARSH BUNGER J. (Oral)

1 Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 07.04.2025 (Annexure P-5) passed by learned Financial Commissioner (Appeals), Punjab, whereby the revision petition preferred by respondents No.5 to 7 herein has been allowed and mutation No. 3971 dated 10.07.2017 (Annexure P-1) in respect of inheritance of deceased Gursewak Singh @ Gura Singh has been set aside.

2. Briefly, the petitioner claims that she was married to one Gursewak Singh @ Gura Singh son of Subeg Singh. The aforesaid Sh. Gursewak Singh @ Gura Singh is stated to be real brother of respondents No.5 to 8 herein. It is further stated that out of the wedlock between the petitioner and the Gursewak Singh @ Gura Singh, no issue was borne and there were temperamental differences between them, due to which she was thrown out of the matrimonial home, whereupon she started residing at her parents home in village Dhilwan, District Barnala.



3. The petitioner claims that no divorce decree had been passed between the petitioner and aforesaid Gursewak Singh @ Gura Singh. Concededly, petitioner re-married with one Mithu Singh son of Sarwan Singh, resident of Village Rangian, Tehsil Dhuri, District Sangrur and thereafter, she changed her name from Charanjit Kaur to Manjit Kaur and out of the said wedlock three sons were born. It appears that petitioner also remained as a Member Panchayat of village Rangian w.e.f. year 2003 to 2013.

4. It transpires that Sh. Gursewak Singh @ Gura Singh never married again and he died issueless on 05.12.2016. It appears that the deceased Gursewak Singh @ Gura Singh was recorded as owner of land comprised in Khewat No. 42, 43 and 49 (as per jamabandi for the year 2014-15) of village Badial, Tehsil Maur, District Bathinda. Upon demise of Sh. Gursewak Singh @ Gura Singh, the mutation No. 3971 regarding succession of his estate was sanctioned in favour of his brothers and sisters i.e. respondents No.5 to 8 herein on 10.07.2017 (Annexure P-1).

5. The aforesaid mutation No. 3971 came to be challenged by the petitioner by filing an appeal before the learned Collector-cum-SDM Maur, District Bathinda who vide order dated 06.12.2019 (Annexure P-2) set aside the order dated 10.07.2017 (Annexure P-1) and further directed sanctioning of mutation in favour of the petitioner being widow of deceased – husband.

6. Being dissatisfied, respondents No.5 to 7 challenged order dated 06.12.2019 (Annexure P-2) by preferring an appeal before the learned Commissioner, Faridkot Division, Faridkot, which was dismissed vide order dated 07.02.2024 (Annexure P-3).

7. Still aggrieved, respondents No.5 to 7 preferred a revision petition (ROR No. 311 of 2024) before the learned Financial Commissioner,



Punjab, which came to be allowed vide order dated 07.04.2025 (Annexure P-5).

8. In view of the aforementioned circumstances, present petition has been filed before this Court, for seeking relief(s) as noted hereinabove.

9. The relevant extract of the order dated 07.04.2025 (Annexure P-5), reads as under:-

“I have heard the counsels for both the parties. Appellants contended that the respondent No.4 Charanjit Kaur alias Manjit Kaur had left Gursewak Singh @ Gura Singh 30 years back and married Mithu Singh s/o Sarwan Singh at village Rangian. She even remained Panch of village Rangian for 10 yeras. This fact is duly established from record. She has already inherited the property of her husband Mithu Singh s/o Sarwan Singh vide mutation No.4981 at village Rangian. Upon asking the respondent No.4 and her counsel failed to effectively rebut the arguments of counsel for the appellant and also failed to produce any document in her favour. In view above discussion, the present revision petition is hereby accepted.”

9.1 From perusal of the above-extracted order it is apparent that the petitioner had left Gursewak Singh @ Gura Singh (deceased) about 30 years ago and had remarried with Mithu Singh son of Sarwan Singh of village Rangian. It is further borne out that the petitioner also remained as a Panch of village Rangian for 10 years and she also inherited property of her husband Mithu Singh son of Sarwan Singh, vide mutation No. 4981 of village Rangian.

10 Learned counsel for the petitioner has not disputed the aforementioned facts that after leaving the Gursewak Singh @ Gura Singh the petitioner had re-married with Mithu Singh son of Sarwan Singh and had also inherited the property of her husband vide mutation No. 4981 of village

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Rangian. It is also not disputed that the petitioner bore three children from the loins of Sh. Mithu Singh.

11. During the course of hearing of this petition, learned counsel for the petitioner submitted that there is no divorce decree between the petitioner and Sh. Gursewak Singh @ Gura Singh and there was only a Panchayati divorce (customary), which was being relied upon by the respondents No.5 to 8.

12. In my considered view, once it is conceded position of petitioner that she had separated from Gursewak Singh @ Gura Singh about 30 years ago and had re-married with Mithu Singh son of Sarwan Singh of village Rangian and out of her second marriage she had three children and also she had inherited the property of Sh. Mithu Singh vide mutation No. 4981 of village Rangian; it does not lie in the mouth of the petitioner to claim the property of deceased Gursewak Singh @ Gura Singh. In case the petitioner had any objection to the Panchayati divorce (customary), in that eventuality, she should have availed her remedies before the learned Civil Court in accordance with law to get such Panchayati Divorce annulled. Consequently, no such recourse has taken by the petitioner till date.

13. Considering the totality of circumstances, I find no merit in the petition and the same is accordingly dismissed.

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

18.02.2026*ankit***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No