
(2006) 11 P&H CK 0037
In the Punjab And Haryana At Chandigarh

Jagtar Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 06-11-2006

Acts Referred:

Citation : (2007) 4 PLR 638

Hon'ble Judges : Nirmal Yadav, J; Ashutosh Mohunta, J

Bench : Division Bench

Judgement

Ashutosh Mohunta, J.—The dispute in the present petition is with regard to the sanctioning of mutation of inheritance of Hazoor Kaur. The petitioners as well as respondent Nos. 4 to 6, are brothers and sisters. Respondent No. 4 claimed that the mutation of inheritance of his mother Hazoor Kaur be made in his favour on the basis of a registered Will dated 1.9.1993. This was objected to by respondent Nos. 5 and 6 as well as the present petitioners, who also claimed that Hazoor Kaur had executed a registered Will dated 27.5.1991 in favour of her both sons i.e. Harbans Singh and Lehmbur Singh. The validity of the Wills are under challenge before the Civil Court.

2. The Commissioner had ordered that till a decision is taken by the civil Court, the matter regarding the mutation should be kept in abeyance. This order has been set aside by the Financial Commissioner, vide order dated 20.01.2004 with direction that none of the parties will alienate the suit property involved in inheritance.

3. After going through the petition, we are of the considered opinion that as the matter has already been pending before the Civil Court, wherein the validity of the Wills are under challenge, therefore, the sanctioning of the mutation be kept in abeyance. It is further ordered that the petitioners as well as respondent Nos. 4 to 6 shall not alienate the suit property involved in inheritance. The Civil Court shall decide the matter expeditiously.

4. The present writ petition is, accordingly, disposed of in the above terms.