

**THE COURT OF FINANCIAL COMMISSIONER REVENUE
(COMMISSIONER AGRARIAN REFORMS)
JAMMU AND KASHMIR AT JAMMU**

<u>FILE NO.</u>	<u>DATE OF INSTITUTION</u>	<u>DATE OF DECISION</u>
340/FC-AP/2014	03.12.2014	26.08.2015

1) BALJEET SINGH S/O LATE LOCHAN SINGH R/O VILLAGE AKALPUR, TEHSIL AND DISTRICT JAMMU.

(PETITIONER)

VERSUS

1) PARAMJEET SINGH S/O LATE LOCHAN SINGH R/O VILLAGE AKALPUR, TEHSIL AND DISTRICT JAMMU;

2) NEETU SINGH W/O PARAMJEET SINGH R/O -----DO-----.

(RESPONDENTS)

In the matter of:

**Revision petition against the order dated
08.09.2003 passed on mutation No. 3108 of village
Muthi, Jammu on the basis of a Will Deed
registered on 29.10.1998.**

For Petitioner --- Advocate Rakesh Sharma
For Respondents --- Advocate Rajeev Chargoitra

J U D G E M E N T

1) The present controversy concerns land measuring 23 Kanals and 10 Marlas falling under Khasra Nos. 231 and 232 in village Muthi, Tehsil and District Jammu. Briefly, one Kapoor Devi, mother of the petitioner and respondent No. 1 had executed a "will deed" duly registered in the court of the Sub-

Registrar, Jammu on 29.10.1998. However, it seems that she had executed another “will deed” on 09.01.2006 which was also registered before the same authority explicitly defining the quantum of property which would be held by her sons. Between these two dates, on 08.09.2003, and before Kapoor Devi died, the Naib-Tehsildar concerned attested the impugned mutation No. 3108 allegedly on the basis of the earlier “will deed” of 29.10.1998.

- 2) Aggrieved, the petitioner has challenged the impugned mutation before this court on various grounds. But before this court could proceed ahead, the parties turned up with a compromise deed. On 25.06.2015, the counsel for the respondents, therefore, requested this court to dispose of the case in the light of the merits of the case as well as the said compromise deed.
- 3) A cursory look at the impugned mutation shows that it was attested on 08.09.2003 when as per the death certificate, the date of death of Kapoor Devi is 13.05.2007. This fact is also acknowledged by the respondents in their written objections that she was alive in the year 2004. Therefore, the impugned mutation attested in 2003 is void ab initio.
- 4) Thus, for the reasons aforesaid and after a careful reflection over the entire matter, the compromise arrived at between the parties is not allowed as it can't make the impugned mutation legal. Accordingly, the impugned mutation is set aside. The parties are advised to move a civil court to get a probate of the “will deed” that they consider valid and then approach the Revenue Authorities for further appropriate orders. No costs. Interim directions, if any, in the matter shall stand vacated. The case file be relegated to records after due completion.

Sd/-

(Dr. Arun Kumar) IAS
Financial Commissioner Revenue
(Commissioner Agrarian Reforms)
Jammu and Kashmir, Jammu

Announced today on this the **26th day**
of August, 2015 under my hand and seal
of this Court.