

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

FILE NO  
**258/FC-AP**

DATE OF INSTITUTION  
**21.11.2012**

DATE OF DECISION  
**10.02.2015**

**1) MANI RAM S/O BAKILU R/O BADALA, TEHSIL AND DISTRICT KATHUA.  
(PETITIONER)**

**VERSUS**

- 1) PARKASH CHAND S/O BAKILU R/O BADALA, TEHSIL AND DISTRICT KATHUA;**
- 2) BASHINDER NATH S/O -----DO-----;**
- 3) KARAN SINGH S/O -----DO-----;**
- 4) BALWANT RAJ S/O -----DO-----;**
- 5) MST. ANCHLO D/O -----DO-----;**
- 6) BANTI S/O MAN SINGH (S/O BAKILU) R/O -----DO-----;**
- 7) LOVELY S/O -----DO-----;**
- 8) ANJU BALA D/O -----DO-----;**
- 9) ASHA RANI D/O -----DO-----;**
- 10) REENA DEVI D/O -----DO-----;**
- 11) RANJU BALA D/O -----DO-----;**
- 12) ANURADHA D/O -----DO-----;**
- 13) NISHU BALA D/O -----DO-----;**
- 14) MST. SURTO DEVI WD/O -----DO-----.**

**(RESPONDENTS)**

In the matter of:

**Revision against the order dated 03.10.2012 passed by  
the Additional Commissioner (with powers of  
Divisional Commissioner) Jammu wherein the revision  
petition filed by the petitioner herein against the**

**order passed by the Tehsildar Kathua on mutation No. 476 of village Badala and mutation No. 122 of village Chak Drabkhan, to the exclusion of the petitioner from the inheritance of the deceased Bakilu with regard to the property left out of duly registered Will Deed dated 13.05.1999 in favour of the petitioner has been dismissed.**

For Petitioner --- Adv. J.S.Mishra, Adv. Ashwani Thakur  
For Respondents --- Ex Parte

### **ORDER**

- 1) This court has gone through the case file and observes with regrets that the petitioner has not been able to put forth the full factual matrix of the case. The entire case is woven around a **“Will Deed”** a copy of which has not been provided. A comparative study of the impugned mutations vis-a-vis the said **“Will Deed”** was necessary and the matter could have reached a just conclusion only when the contents of the said Deed were interpreted. Obviously, one who asserts a claim has the obligation to provide sufficient facts and proof in support of his contentions. With the available information, however, it is not possible to frame issues and decide the matter on merits. In addition, as the respondents were set ex parte on 12.02.2014 due to their continued absence despite issue of registered summons and publication of notices in two local dailies, the **“Kashmir Times”** and the **“State Times”** dated 05.12.2013, the onus lied more on the counsel for the petitioner to provide sequenced information and evidences in the case.

- 2) Moreover, a significant issue which is bothering this court is regarding the intentions of the petitioner herein to move the court below. As he was in full knowledge of the attestation of both these mutations and if at all he was aggrieved of anything, then why did he not challenge the impugned mutations earlier rather than waiting for almost 10 years?. Nonetheless, it now hardly makes a difference, as this court is not going into merits while disposing of this case.
- 3) In view of what has been observed above, this court holds that the petitioner has failed to establish the full facts of the case before this court. The revision petition is, therefore, rejected. Nevertheless, the petitioner is at liberty to file a subsequent petition with full facts and supportive proof and if he chooses to do so, the issue of condonation of delay shall be taken up first. No costs. Interim directions, if any, 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 **10<sup>th</sup> day of  
February, 2015** under my hand and seal  
of this Court.