

IN THE COURT OF DEPUTY COMMISSIONER: NAWANSHAHR EXERCISING THE POWERS OF COLLECTOR NAWANSHAHR/S.B.S.Nagar.



1. Sohan Lal
2. Harbilas
sons or Sant Ram residents of V.Mandali, Tehsil and Distt.
Nawanshahr/S.B.S.Nagar.

....Appellants

v e r s u s

1. Charanjit - 592
- mo 2. Tarsem Lal
sons of Sant Ram
3. Balbir Kaur - 592
- mo 4. Jagir Kaur
5. Kashmir Kaur - 592
6. Simranjit Kaur - 592
- mo 7. Bimla Rani
daughters of Sant Ram s/o Inder Ram
8. Kashmir Kaur wd/o Mohan Lal s/o Sant Ram.
- mo 9. Vijay Kumar - 592
- 10 Ravi Kumar - 592
sons of Mohan Lal s/o Sant Ram.
- mo 11 Seema Rani - 592
12. Reena Rani - 592
- 13 Suneeta Rani - 592
- 14 Nisha Rani
daughters of Mohan Lal s/o Sant Ram
all residents of village Mandali, Tehsil and Distt.
Nawanshahr/S.B.S.Nagar.

....Respondents.

Appeal against the order dated 11.9.2008 passed by the Court of S.D.M. cum- AC First Grade, Nawanshahr sanctioning mutation No.4769 of village Mandali, Tehsil Nawanshahr/S.B.S.Nagar in respect the estate of Smt.

Bachni wd/o Sant Ram r/o V.Mandali.

GROUND OF APPEAL

1. That the order dated 11.9.2008 passed by the Court of S.D.M.-cum- A.C. First Grade, Nawanshahr/S.B.S.Nagar while sanctioning mutation No.4769 in respect of the estate of Smt. Bachni wd/o Sant Ram, is against law and facts and the the same is liable to be set aside.
2. That Smt. Bachni had executed a Will in favour of the appellants and her estate was required to be mutated in favour of her sons i.e. the appellants x on the basis of the Will but the A.C. Ist Grade-cum-SDM Nawanshahr committed a great irregularity while sanctioning the mutation in natural course of succession.

Summons respondents
+ case file for
issue of mutation.
5/2/11
leader
for 22/1/09

3. That the appellants who are working for ~~in~~ gain~~ing~~ in Ludhiana, had contested the entering of mutation No.4769 in respect of the estate of their mother Smt. Bachni and upon contest, the Naib Tehsildar Banga had referred the said mutation to the Court of S.D.M. cum- A.C, Ist Grade, Nawanshahr . However, the appellants had kept on enquiring from the Court of A.C. Ist Grade cum- S.D.M. Nawanshahr about their case but were told by the Reader that the file had not been received from the court of Naib Tehsildar Banga. After making inquiries ~~xxx~~ on a few occasions , the said Reader had informed the appellants that as ~~xx~~ and when the file of the case was received from Naib Tehsildar Banga , the appellants would be sent notice to appear in the Court of S.D.M cum- A.C, Ist Grade, Nawanshahr. However, no such notice was received by the appellants , A few days back, the appellants came to know that the alleged mutation No.4769 had been sanctioned by the S.D.M. cum- A.C, Ist Grade, Nawanshahr on 11.9.2008 in natural succession and the appellants had been marked absent by the said Court without making any effort to serve notice of appearance of the appellants. The appellants came to know about sanctioning of mutation on 10.9.2009 and they immediately applied for a copy of the order in order to file the appeal.

4. That in the above manner, the appellants were deprived of their rights of hearing in the Court of S.D.M cum A.C Ist Grade, Nawanshahr without any fault of theirs. The appellants have a very good case which they will be able to prove if the impugned mutation is set aside and the case is remanded for a fresh hearing to the Court of S.D.M-cum- A.C. Ist Grade, Nawanshahr.

It is, therefore, prayed that the impugned mutation may kindly be set aside and the case be remanded for re-hearing in the interest of justice.

APPELLANTS

THROUGH

Navneet Sareen Adv.
(NAVNEET SAREEN)

ADVOCATE