

IN THE COURT OF DISTRICT COLLECTOR, NAWANSHAHR.

APPEAL

In the matter of mutation No. 2203, Village - Chahal Kalan decided on 18/09/2009 by Sh. Bir Pal Singh, P.C.S, Asstt: Collector, Nawanshahr, in favour of Harbinder Singh s/o Balbir Singh s/o Jarnail Singh.



Ajmer Singh (deceased) s/o Jarnail Singh represented by L.R Kulwinder Singh s/o Ajmer Singh s/o Jarnail Singh village - Chahal Kalan, Tehsil & Distt, Nawanshahr. Appellant

श्री अजमेर, देवकी देवी
पुत्र अजमेर देवकी देवी
श्री अजमेर, देवकी देवी
पुत्र अजमेर देवकी देवी
Versus *नवीनी, श्री देव देवी*
1. Harbinder Singh s/o Balbir Singh s/o Jarnail Singh through his mother/
guardian Surinder Kaur w/o Balbir Singh s/o Jarnail Singh R/o Village -

Chahal Kalan Tehsil & Distt, Nawanshahr. Respondent

2. *Rajinder Kaur d/o Ajmer Singh w/o Parminder Singh*
Chachoki, Tehl Phaswara Distt Kapurthala

(Appeal under section 13 of the Punjab and Land Revenue Act, against the order dated 18/09/2009 attesting mutation No. 2203 of Village, Chahal Kalan in favour of Harbinder Singh s/o Balbir Singh s/o Jarnail Singh R/o Village - Chahal Kalan, Tehsil & Distt, Nawanshahr.)

Notice/Reason
19/11/2009

Claim in appeal :- For setting aside the order dated 18/09/2009 by accepting the appeal.

Summon independent of case
file. In the meantime let disposed
stay of appeal.
Reader
5/11/15

Grounds of Appeal

1. That Ajmer Singh has died on dated 07/10/2009 at Village – Chahal Kalan Tehsil & Distt, Nawanshahr (Shahid Bhagat Singh Nagar) leaving a will dated 03/09/2009 of his property in favour of his son Kulwinder Singh. Copy of the will is enclosed; As such Kulwinder Singh being the sole legal heir of the deceased Ajmer Singh is entitled to file this appeal.
2. That the order under appeal is against facts and law.

Parmjit Singh
श्री अजमेर देवकी देवी
पुत्र अजमेर देवकी देवी
श्री अजमेर देवकी देवी
पुत्र अजमेर देवकी देवी

3. That the Ld Asstt: collector had failed to apply his mind to the facts of case, that against the award of the Lok Adalat dated 07/05/2005 and an execution of transfer deeds dated 19/01/2009 got executed by the court of Smt. Priya Sood A.C.J (SD), Nawanshahr, objections had been filed by Ajmer Singh father of Kulwinder Singh.
4. That the execution of the transfer deed dated 19/01/2009 is contrary to the alleged award dated 07/05/2005, alleged to have been passed on the basis of alleged compromise between Jarnail Singh deceased and Surinder Kaur and also contrary to the will of the deceased Jarnail Singh dated 06/02/2006. That even otherwise the transfer deeds in question dated 19/01/2009 is beyond the alleged compromise and award and in violation of the order of the executing Court dated 10/11/2008.
5. That the transfer deed has been got executed without notice to Jarnail Singh who died on 14/06/2006 and without notice of the execution proceedings. Surinder Kaur is daughter-in-law of Jarnail Singh who knew the fact of death of Jarnail Singh as on 14/06/2006. Surinder Kaur did not disclose this fact to the executing Court and got the transfer deed executed without the notice to his legal heir Ajmair Singh.
6. That Ajmair Singh (deceased) had filed objection petition before the executing Court now presided over by Sh. R. K. Sharma, A.C.J, (SD), Nawanshahr and the same stand adjourned to 23/01/2010.
7. That the factum of the pendency of the objection petition by Ajmer Singh was clearly brought to the notice of the Ld, AC 1st Grade Nawanshahr. An adjournment was sought to produce certified copy of the objection petition. But the Ld AC 1st Grade did not consider it advisable to give opportunity to the appellant and has passed a hasty order dated 18/09/2009.
8. That the objection petition was filed on dated 14/02/2009 before the executing Court by Ajmer Singh. But Surinder Kaur got entered mutation No 2203 on 06/05/2009 and the Ld AC 1st Grade has hastened to decide the mutation in favour of Harbinder Singh without giving opportunity to the

appellant to produce the relevant record from the civil Court. It is submitted that heavens were not to fall if the appellant was given opportunity to produce record from the civil Court.

9. That the order dated 18/09/2005 has cast clouds on the rights of the appellant.

It is therefore prayed that the appeal be allowed and the order under appeal may be set aside.



Aimer Singh (deceased)

Through L.R – Kulwinder Singh
(Appellant)

Dr. 5/11/09

Through counsel: –



D. S. Chhina, Advocate.

Jalandhar