



In the Court of Additional Commissioner, Jammu

(With the powers of Divisional Commissioner)

(Rail Head Complex, Jammu)

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File No.
63/Revision
2019-20

Date of Institution
21-09-2019

Date of Decision
15-04-2021

1. Abdul Jabbar
2. Ghulam Mohd.
Both sons of Late Aziza Caste Tantri R/o Bedar, Balani Tehsil Mandir District Poonch

....Petitioners

Versus

1. Abdul Gaffar S/o Aziza Caste Tantri R/o Sawjan Tehsil Mandi District Poonch.
2. Rustama S/o Aziza Caste Tantri R/o Sawjan Tehsil Mandi District Poonch.
3. Mohd. Aslam S/o Mamda R/o Sawjan Tehsil Mandi District Poonch
4. Zahoor S/o Momdha R/o Sawjan Tehsil Mandi District Poonch.
5. Ahmed Din S/o Momdha R/o Sawjan Tehsil Mandi District Poonch.
6. Khurshi Ahmed S/o Momdha R/o Sawjan Tehsil Mandi District Poonch.
7. Tehsildar Mandi District Poonch.

....Respondents

In the matter of: Revision petition against the orde dated 12.09.2019 passed by Learned Deputy Commissioner, Poonch by virtue of which the mutation No. 488 dated 19.03.1997 has been set aside;


ORDER

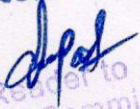
17.03.2021. The present revision petition has been preferred against order dated 12.09.2019 passed by Learned Deputy Commissioner, Poonch whereby the Mutation No. 488 attested on 19.03.1997 has been set aside and remanded to Tehsildar Mandi (Poonch) for denovo enquiry and passing fresh order with respect to the land of Aziza in village Bedar Balnai in presence of all the legal heirs.

The case instituted on 21.09.2019 and notice was issued to other side who were represented by their counsel till 12.02.2020 and thereafter Court could not be held due to Pandemic (COVID-19). After resumption of Court work through normal mode nobody appeared on behalf of Petitioner. However, Leaned Counsel for the respondent appeared on 10.02.2021 and pleaded that the petitioners are not being attending the Court for quite some time. The Court appreciated the facts narrated by the Counsel for the respondents and reserved for orders on merit.

The case was taken up for disposal on merit. Examination of the case file reveals that the Late Aziza had property in two villages namely Bedar Balnai and Sawjan. The mutation of inheritance of the property of Late Aziza situated in one village i.e. Sawjan was attested in favour of all the six legal heirs in equal shares but the mutation of inheritance of rest of the property situated in village Bedar Balnai, was attested only in favour of two sons, leaving the names of other share holders. The Deputy Commissioner has appreciated the facts of the case in its right prespective and has set aside Mutation No. 488 of village Badar Balnai (Mandi) and remanded the case to Tehsildar Mandi for denovo enquiry after hearing all the parties. Perusal of the order and the case reveals that the order of Deputy Commissioner does not suffer from any infirmity which needs no interference. Therefore, the revision is dismissed. Stay order issued by this court, if any, shall stand vacated. The case file be consigned to records after due completion.

Announced
15.04.2021


Pawan Kumar Sharma, KAS
Additional Commissioner, Jammu
[with the powers of Divisional Commissioner]

g/c website.

Reader to
Additional Commissioner
Jammu