



**In the Court of Additional Commissioner, Jammu**  
**(With the powers of Divisional Commissioner)**  
**(Rail Head Complex, Jammu)**  
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File No	Date of Institution	Date of Decision
37/Revision 2020-21	11.12.2020	21.07.2022

1. Rano Devi D/o Sh. Sant Ram R/o village Gajansoo at present village Chak Lahori Tehsil Marh District Jammu through her Attorney Holder Sh. Kulbushan Attri S/o Sh. Vijay Kumar Attri R/o Gandhi Nagar, jammu

....Petitioner

**Versus**

1. Kanta Devi D/o Late Sh. Sant Ram W/o Sarsa Ram R/o village Rathua at present village Gajansoo, Tehsil Marh District Jammu.
2. Balwinder Singh S/o Sarsa Ram R/o village Gajansoo, Tehsil Marh District Jammu

....Respondents

In the matter of :-

Revision petition against the order dated 12.06.1955 passed by the Naib Tehsildar Marh on mutation No. 94 and order dated 28.07.2007 passed by the Naib Tehsildar Marh on mutation No. 639 of village Gajansoo Tehsil Marh District Jammu.

**ORDER**

The present revision petition has been filed against the order dated 12.06.1955 passed by Naib Tehsildar Marh on mutation No. 94 and order dated 28.07.2007 passed by Naib Tehsildar Marh on mutation No. 639 of village Gajansoo, Tehsil Marh District Jammu. The main submissions made in the petition are as under:-

2. That the father of the petitioner expired before 1955 leaving behind (1). Sita Devi (Widow of Sant Ram) (2). Rano Devi (Elder Daughter) (3). Kanta Devi (Younger Daughter), (4). Balwinder Singh S/o Kanta Devi.
3. That the mutation of the ancestral property of Sant Ram should have been attested in favour of all the three legal heirs. However, after the death of the father of the petitioner, the mutation number 94 dated 12.06.1955 was attested by Naib Tehsildar, Marh in favour of Sita Devi only, who was mother of the petitioner and after the death of Sita Devi, Naib Tehsildar Marh in the year 2007 attested mutation No. 639 dated 28.07.2007 as per will deed in favour of the respondent No. 2 (Balwinder Singh) only.
4. That mutation attested is not sustainable in law since the property was ancestral and should have been attested in favour of all legal heirs and further Sita Devi could not

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execute will deed for whole of the land and as such both the mutations may be set aside. During the course of proceedings summons were issued, the respondent No. 1 refused to acknowledge the notice but the notice was duly served upon respondent No. 2. Do Parta notice was also issued and same was again refused by respondent No. 1. However, respondent No. 2 despite service have not appeared before the court and in view of this, the respondents were set ex-parte and the matter was taken up for adjudication on merits. The written arguments submitted by the petitioner also reiterated the points highlighted in the memo of the appeal and the Ld. Counsel for the petitioner requested that the mutation No. 94 and 639 may be set aside since mutation No. 94 dated 28.07.2007 should have been attested in favour of both the legal heirs of Sant Ram i.e. Rano Devi and Kanta Devi and as such the mutation of inheritance of Sant Ram was not in accordance with the law and subsequent mutation No. 639 of will deed becomes invalid simply on this account. However, the mutation of will deed attested with respect to the ancestral property is also illegal and both mutations may be set aside.

I have examined the record placed on the file and heard the arguments put forth by Ld. Counsel for the petitioner. Bare perusal of the mutation No. 94 reveals that name of Sant Ram S/o Hari Chand has been recorded in the ownership column and the inheritance of Sant Ram has been attested in favour of Sita Devi only. Subsequently, vide mutation No. 639 dated 28.07.2007 inheritance of Sita Devi has been attested in favour of Balwinder Singh mentioning as adopted son of Sita Devi. The mutation of inheritance of Sant Ram has been attested in favour of Sita Devi only and further Sita Devi inheriting the property from her husband has disposed of the land as per will deed in favour of Balwinder Singh. As the mutations suffer from legal infirmity mentioned supra, both the mutations are set aside and case is remanded to Tehsildar, Marh for conducting denovo enquiry and passing fresh order strictly as per law governing the subject. The interim order issued by this court, if any, shall stand vacated. This is however subject to confirmation by the Ld. Financial Commissioner (Rev.), J&K. In terms of Section 15 (3) the case file in original is submitted to the Ld. Financial Commissioner (Revenue) J&K Jammu for confirmation. The parties are directed to appear before the court of Ld. Financial Commissioner (Revenue), J&K, Jammu on 02.08.2022.

**Announced**  
21.07.2022

**Sd/-**  
**Pawan Kumar Sharma, JKAS**  
**Additional Commissioner, Jammu**  
[with the powers of Divisional Commissioner]