

Before Shaleen Kabra, IAS, Financial Commissioner (Revenue) J&K /  
Commissioner Agrarian Reforms, J&K

File No.  
748/FC-AP

Date of Institution  
06.03.2019

Date of Decision  
08.06.2022

**In case titled:**

S. Harbans Singh S/o Late S. Bachan Singh R/o H. No 1 New Rehari, Jammu, Tehsil  
and District Jammu.

(...Petitioner)

Versus

1. S. Iqbal Singh S/o Late S. Bachan Singh R/o H. No 1 New Rehari, Jammu.
2. S. Manmohan Singh S/o Late S. Bachan Singh R/o Section 6 H. No 172 Channi  
Himmat, Jammu.
3. Amrit Kour D/o Late S. Bachan Singh W/o Sukhdev Singh R/o H. No 4, D  
Gandhi Nagar, Jammu.
4. Manjeet Kour D/o Late S. Bachan Singh W/o Nanak Singh R/o H. No 6 New  
Plot, Jammu.

(...Respondents)

**In the matter of:** Revision petition under section 15 of Land Revenue Act, 1996 (1939  
A.D.) against the mutation No. 511 dated 23.10.2017 in respect of  
land falling under Khasra No. 5 & 6 (old), 153 (new) and Khasra No.  
4 (old), 160 (new) measuring 09K-18M & (06K-16M) respectively  
total 16 Kanals and 14 Marlas, Khata No. 32, Khewat No. 12,  
situated in village RanjeetPura Tehsil Jammu West District Jammu  
whereby the inheritance mutation attested in favour of the  
respondent including the appellant also.

**Present:** 1. Advocate Ashok Gupta for petitioner.  
2. Advocate Dara Singh for respondent.

**ORDER**

1. Inheritance mutations no. 511 dated 23.10.2017 of village Ranjitpura Tehsil  
Jammu devolving the inheritance of Bachan Singh (father of the parties herein)  
on his successors has been put to challenge by the petitioner (one of the sons of  
Bachan Singh) on the ground that the Bachan Singh has already transferred  
the landed estate to his wife Balwant Kour through a sale deed and the latter  
has executed a will in his favour and thus he alone is entitled to the property.

2. The parties appeared through their respective counsels and the matter was argued. Ld. Counsel for the petitioner besides repeating the grounds taken in the memo of the petition pleaded that the mutation has wrongly been attested as there was no land recorded in the name of the Bachan Singh which has been devolved in the instant mutation. It is also said that the petitioner was not present at the time of the attestation of the mutation, otherwise the will executed by Balwant Kour in his favour would have been brought to the notice of the mutating officer. Ld. Counsel also pleaded that the respondents have relinquished their rights in favour of the petitioner.
3. Ld. Counsel for the respondents on the other hand pleaded that all the legal heirs including the petitioner were present at the time of attestation of mutation and the document referred to as will by the petitioner is not so, but a notarized "Iqrarnama" which has no legal sanctity. The relinquishment deed of respondent 2 in favour of the petitioner which has been placed on record by the petitioner has no meaning as the same has been executed on 27.05.1983, when the said respondent had no right in the property which he could relinquish. It is also said that none of the legal heirs or father is signatory to the so called will.
4. Heard
5. The document referred as will by the Ld. Counsel for the petitioner from its perusal reveals it to be an "Iqrarnama". A will also known as a testament is a document written by an individual who could be classified as a testator. A will is a legal declaration for a voluntary posthumous disposition of property and every person of sound mind, not being a minor, may dispose of his property by





a will. Although the registration of a will is optional but it is always preferable to register it.

6. In the document reflected as "Iqrarnama", it is mentioned that the possession of the land has been given to the petitioner six months prior to execution of the document, so how can it be termed as a "will" which only takes effect after the death of the testator. There is also reference of prohibition of transfer of land at the relevant point of time i.e. 10.08.1983 and the executor, Balwant Kour clearly states that after the ban on the transfer, she will get it done through a registered deed. The documents thus clearly is an "Iqrarnama" (an agreement only) and can in no way be interpreted as a "will". The petitioner, thus cannot lay exclusive claim to the property on the basis of the said document.
7. It is also seen from the perusal of the impugned mutation that the petitioner herein is a signatory to the mutation, thus belying the contention that he has been condemned unheard.
8. The relinquishment of other legal heirs in favour of the petitioner has also no relevance as rights can be relinquished only when these have accrued to a person. In the instant case, the relinquishment deed executed by respondent No. 2 in favour of the petitioner is at a time when respondent 2 had no right over the property which he could relinquish.
9. Balwant Kour, the mother of the parties, who is the recorded owner has passed away in 1997, but no mutation of inheritance has been attested in favour of her successors. Thereafter, Bachan Singh, too expired in 2017 and as such effectively the property of Balwant Kour got owned by her legal heirs i.e. her children and the shares are also as per the Hindu Succession Act.



10. The Revision petition, accordingly, being without any merit, is dismissed and the impugned mutation being in consonance with law need not to be interfered with.

11. Interim Orders, if any, issued by this court are vacated. File to be consigned to records after due completion.

**Announced**  
**08.06.2022**



Shaleen Kabra IAS  
Financial Commissioner Revenue  
J&K