

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ								
18-09-2018	<p><u>In The Court Of: Land Reforms Deputy Collector, Arwal.</u> Mutation Case No – 06/2017-2018 Mungeshwari Devi –Appellant Vrs Dev Kumar Sharma- Defendent. Present- Rakesh Kumar, DCLR <u>Learned Advocate of appellant.</u> 1. Sri. Dharmendra Pandit. 2. Sri. Anil Sharma <u>Learned Advocate of Defendent.</u> 1. Sri. Bashishtha Narain.</p> <p style="text-align: center;"><u>ORDER</u></p> <p>Both the parties appeared at the time of hearing. The present case is related to</p> <p style="text-align: center;">Schedule</p> <table border="1" data-bbox="395 936 1369 1220"> <thead> <tr> <th>Khata</th> <th>Plot</th> <th>Rakwa A-D</th> <th>Boundary.</th> </tr> </thead> <tbody> <tr> <td>13</td> <td>543</td> <td>0-09.75</td> <td>N-Karha. S-Durga Sao. E-Khariddar (Purchaser) W-Mathura Sao & Asharfi Sao</td> </tr> </tbody> </table> <p style="text-align: center;">Mauza-Rajpura, PS+ Anchal-Kaler, Dist-Arwal.</p> <p>The learned advocate of appellant submitted that land mentioned in schedule was purchased by appellant namely Mungeshwari Devi from Dev Kumar Sharma, the defendant of this case. He further submitted that Demand of the disputed land exists in name of Chulhan Singh S/O Tapsi Singh. This Chulhan Singh had three daughters namely Late Lalpari Devi, Late Kalawati Devi & Late Lal Muni Devi. The defendant is son of Late Lal Muni Devi (Mother) & Late Kalapati Bhatt (Father) and resides in Village-Bakaspura, PS-Barwa-Aad, Dist-</p>	Khata	Plot	Rakwa A-D	Boundary.	13	543	0-09.75	N-Karha. S-Durga Sao. E-Khariddar (Purchaser) W-Mathura Sao & Asharfi Sao	
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(Signature)

Dhanbad (Jharkhand). Learned advocate claims that after demise of Chulhan Singh, the maternal grand father and his daughters, Dev Kumar Sharma defendant is sole owner of land mentioned in schedule. Learned advocate said that appellant of this case is in peaceful possession of her purchased land and it is reported by Karamachari also. However, he alleged that circle officer Kaler rejected the mutation application of appellant without asking partition paper of appellant's vendor, as it is clear from documents of mutation case No-936/2016-2017 of circle office, Kaler. Learned advocate of appellant narrated that appellant had filed application under RTPS on 02.02.2017 and without issuing any notice, appellant's application was rejected by CO Kaler. Learned advocate has also submitted written argument and states that vendor of land mentioned in schedule is sole owner and claimed that circle officer had talked to lineages of vendors through mobile phone and they had given their assent for mutation but circle officer rejected the application. So learned advocate pleaded for an order in favour of appellant, so that land mentioned in schedule can be mutated by circle officer Kaler.

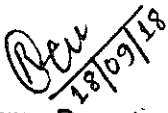
The learned advocate of defendant submitted that land mentioned in schedule was purchased by appellant from defendant through kewala No-46047 dated 22.11.2016. Learned advocate reiterated all statements given by appellant and supported the claim of appellant and finally, pleaded for mutation in favour


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of appellant.

Heard the learned advocates of both the parties & perused the documents available on record. Appellant has submitted certified copy of mutation order 936/16-17 and defendant has not submitted any document. Further, L.C.R. from circle office Arwal is available on record. After looking these documents it is found that karamachari has reported that land in question is in the share of defendant and his maternal grand father didn't had any male issues, infact he had three daughters and one of them was mother of defendant. So it seems that after demise of defendan't mother, defendant got her share as inheritor of that property. The Karamachari also reports that land mentioned in schedule is in possession of appellant. So in this situation, circle officer Kaler is being directed to verify the ownership of land of vendor of appellant and based on possession of appellant, circle officer should mutate the purchased land in favour of Appellant after following due procedure of mutation Law.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.

