

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

Writ Petition No. 2044 (MS) of 2013

Kusum Lata.Petitioner.

Versus

Municipal Corporation, Dehradun
and another. Respondents.

Present:
Mr. Neeraj Garg, Advocate for the petitioner.
Mr. Gopal K. Verma, Advocate for private respondent.
Mr. S.S. Chauhan, Advocate for Nagar Nigam, Dehradun.

**with
Writ Petition No. 1069 (MS) of 2013**

Yashveer Singh.Petitioner.

Versus

Municipal Corporation, Dehradun
and another. Respondents.

Present:
Mr. Gopal K. Verma, Advocate for the petitioner.
Mr. Neeraj Garg, Advocate for private respondent.
Mr. S.S. Chauhan, Advocate for Nagar Nigam, Dehradun.

**with
Writ Petition No. 998 (MS) of 2013**

Yashveer Singh.Petitioner.

Versus

Municipal Corporation, Dehradun
and another. Respondents.

Present:
Mr. Gopal K. Verma, Advocate for the petitioner.
Mr. Neeraj Garg, Advocate for private respondent.
Mr. S.S. Chauhan, Advocate for Nagar Nigam, Dehradun.

**with
Writ Petition No. 2043 (MS) of 2013**

Dr. K.S. Dwivedi.Petitioner.

Versus

Municipal Corporation, Dehradun
and another. Respondents.

Present:
Mr. Neeraj Garg, Advocate for the petitioner.
Mr. Gopal K. Verma, Advocate for private respondent.
Mr. S.S. Chauhan, Advocate for Nagar Nigam, Dehradun.

Hon'ble Alok Singh, J

All these writ petitions are interconnected involving identical questions of fact and law, therefore, all these writ petitions are heard together and are being disposed of by this common judgment with the consent of learned counsel for the parties.

Undisputedly, Kusum Lata preferred Original Suit No. 80 of 2006 (Smt. Kusum Lata Vs. Yashveer Singh and others) for cancellation of WILL dated 04.11.1992 executed in favour of Yashveer Singh as null and void and further for declaration of gift deeds dated 28.04.2005 and 22.12.2005 executed by Yashveer Singh in favour of his wife Poonam Chauhan on the basis of WILL dated 04.11.1992 as null and void; disputes raised in Original Suit No. 80 of 2006 were settled between the parties amicably and compromise deed was filed before learned Additional Civil Judge (SD), Dehradun, according to which, parties had agreed to declare the WILL as well as gift deeds as null and void admitting the title of plaintiff – Kusum Lata over the property, in question; O.S. No. 80 of 2006 was decided by the trial court on the basis of mutual settlement vide judgment dated 12.05.2010; thereafter, O.S. No. 186 of 2011 was filed by Yashveer Singh and his wife Poonam Chauhan for declaring the compromise decree passed in O. S. No. 80 of 2006 as null and void.

Kusum Lata moved an application for rejection of plaint of O.S. No. 186 of 2011, under Order 7 Rule 11 CPC. Initially, application moved by Kusum Lata was rejected by the trial court, however, was allowed by this Court vide judgment dated 22.05.2014 passed in Civil Revision No. 36 of 2014. Meanwhile, on the basis of compromise decree passed in O.S. No. 80 of 2006, petitioner moved an application before the Nagar Nigam, Dehradun seeking mutation over the property, in question.

All the present writ petitions are arising out of mutation proceedings before Nagar Nigam, Dehradun.

Mr. Gopal K. Verma, Advocate for Yashveer Singh and Mr. S.S. Chauhan, Advocate for Nagar Nigam, Dehradun contended that SLP Nos. 20129 and 20130 of 2014 are pending disposal before Hon'ble Apex Court against the judgment and order dated 22.05.2014 passed by this Court in Civil Revision No. 36 of 2011, therefore, mutation, now, can only be carried out by Nagar Nigam, Dehradun, in accordance with the final verdict of Hon'ble Apex Court in the pending SLPs, therefore, at this stage, it would not be proper for this Court to issue any direction for mutation in favour of either of the parties.

Submissions made by learned counsel seem to be justified. Therefore, all the writ petitions are disposed of with the direction that Nagar Nigam shall carry out the mutation, in accordance with the final verdict of Hon'ble Apex Court in the pending SLPs. If SLPs are dismissed, mutation has to be carried out in favour of Kusum Lata. However, if SLPs are allowed and order passed by this Court is set aside and suit no. 186 of 2011 is restored to its original number, then mutation proceedings have to be carried out only after final decision in OS No. 186 of 2011. No order as to costs.

Let copy of this order be placed in each connected petition.

All the applications stand disposed of accordingly.

(Alok Singh, J.)
29.08.2014

