

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No.3469 of 2012 (O&M)
Date of decision: 15.09.2015**

The Estate Officer, PUDA

... Petitioner

Vs.

Kamlesh Sharma and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Ashish Grover, Advocate
for the petitioner.

Mr. K.V.S.Kang, Advocate
for respondent No.1.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the impugned order dated 05.03.2012, (Annexure P-5), whereby, the objections to the execution application, have been dismissed.

Mr. Ashish Grover, learned counsel appearing on behalf of the petitioner/judgment debtor submits that vide judgment and decree dated 18.05.2001, the suit of the respondent-plaintiff was decreed and thereupon, the respondent along with defendants No.1 and 2 were directed to appear before the petitioner, i.e., Estate Officer, Punjab Urban Development Authority (hereinafter referred to as PUDA) within 15 days to complete all the requisite formalities, for

transfer of plot in question in favour of the appellant-plaintiff. He further submits that defendants No.1 and 2, i.e., original allottees did not appear before PUDA, therefore, the compliance could not be done. In the year 2009, the respondents chosen novel method in filing another suit. During the pendency of the subsequent suit, execution application bearing No.7/3-2000 was also filed. The petitioner-PUDA filed the objections to the said execution application, which have been dismissed, vide impugned order, whereby, the executing Court has appointed the Local Commissioner to visit the office of PUDA, for transfer of the property, in the name of respondent No.1/decree holder, in lieu of decree dated 18.05.2001. He further submits that until and unless, erstwhile allottees, i.e., defendants No.1 and 2, do not appear and pay the conveyance charges, plot cannot be transferred in favour of the appellant-plaintiff. Even from perusal of zimni order dated 30.09.2013, it reveals that exercise undertaken by Court did not yield any result. He further submits that though the petitioner-PUDA, would have no grievance, in case, the conveyance charges towards plot, along with miscellaneous charges, are paid.

Mr. K.V.S.Kang, learned counsel appearing on behalf of respondent No.1/plaintiff/decree holder submits that in pursuance to the order dated 30.09.2013, PUDA wrote a letter dated 10.10.2013 to the judgment debtor and the letter was also endorsed to respondent No.1, whereby, it was notified that amount of ₹ 5,49,815/- as on

31.12.2013 towards non-construction fees was due. He further submits that the aforesaid amount has been deposited, vide draft bearing No.608509 and the same has been acknowledged by PUDA, yet PUDA is not complying with the order of the Court, much less, decree dated 18.05.2001.

I have heard learned counsel for the parties and appraised the paper book.

It would be apt to reproduce the relevant portion of the judgment dated 18.05.2001, the same reads thus:-

“Consequently, the appeal is accepted and the impugned judgment and decree are modified to the extent that the parties i.e., the appellant and respondents No.1 and 2 shall appear before third respondent i.e. Estate Officer Punjab Urban Development Authority Urban Estate Patiala to complete all the formalities requisite for transfer of the suit plot in favour of the appellant on day and time to be fixed by the third respondent pursuant to appearance of appellant and respondent No.1 and 2 before him within 15 days from today and thereupon the suit plot shall be transferred by respondent No.3 in favour of the appellant subject to observance of the relevant formalities by the appellant and respondents No.1 and 2.”

It is the case of the decree holder, that respondents No.1 and 2 turned, dishonest after the order and the decree holder had to

run pillar to post to seek redressal of the grievance, despite having a decree in her favour. Mr. Kang, Advocate, during the course of arguments, submitted that his client would withdraw subsequent suit (Annexure P-2), in case, judgment and decree dated 18.5.2001 is executed. It is evident that respondents No.1 and 2/judgment debtors have not appeared before the office of PUDA to perform their role, in essence, for getting conveyance deed in their favour and deposit of conveyance charges. On 30.09.2013, this Court found that formalities till date had not been completed, in pursuance to judgment and decree dated 18.05.2001, passed the following order which reads thus:-

“Only grievance of the petitioner is that respondents have not completed the formalities till date. In the eventuality, respondent namely Kamlesh Sharma along with Local Commissioner and respondent No.2 Babu Ram Sharma appear before the Estate Officer on 9.10.2013 and complete the formalities, petitioner shall take steps to satisfy the decree.

To come up for further hearing on 30.10.2013.”

Decree holder along with Local Commissioner and respondent No.2 - Babu Ram Sharma were directed to appear before the office of PUDA on 09.10.2013. The Local Commissioner and the respondent though appeared but respondent No.2 did not appear which necessitated PUDA to write letter, *ibid*.

In view of the aforesaid, I deem it appropriate to direct the petitioner-PUDA to give details of the outstanding charges, i.e., conveyance charges to the decree holder/respondent No.1 and, thereafter, respondent No.1 shall deposit the same within a period of one week. The petitioner-PUDA will transfer the plot in question in favour of respondent No.1, on deposit of the charges inclusive of transfer fee stipulated in the objection petition from respondent No.1. The said exercise shall be done within a period of one month from the receipt of certified copy of this order.

The revision petition stands disposed of, in the aforementioned terms.

(AMIT RAWAL)
JUDGE

September 15, 2015
savita