

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

CM No.19667-CII of 2015 in/and
CR No.8596 of 2014
Date of decision: 19.09.2015

Municipal Committee/Council, Jalalabad

...Petitioner

versus

Vimla Devi (now deceased) through LRs Vikasdeep and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. P.S. Mattewal, Addl. A.G., Punjab,
for the appellant-petitioner.

Mr. C.M. Munjal, Advocate,
for the respondents.

RITU BAHRI, J.

CM No.19667-CII of 2015

The application is for amendment in the application for impleading the legal heirs of deceased Mohan Lal-respondent No.3.

It has been stated in the application that due to typographical mistake, name of daughter of deceased-Mohan Lal has been mentioned as “Pooja wife of Sunil Kumar” instead of “Mamta Rani wife of Rajiv Kumar. ”

In view of the averments mentioned in the application, amendment in the application for impleading the legal heirs of deceased respondent-Mohan Lal is allowed to the effect that name of daughter of deceased-Mohan Lal be read as “Mamta Rani wife of Rajiv Kumar, resident of Opposite D.A.V. College, Abohar, Tehsil Abohar, District Fazilka” in place of “Pooja wife of Sunil Kumar”.

Misc. application stands allowed accordingly.

At this stage, learned counsel for the respondents states that the civil dispute between the parties had attained finality up to the Hon'ble Supreme Court.

In this view of the matter, the main petition i.e. Civil Revision No.8596 of 2014 is taken up today itself for disposal.

Civil Revision No.8596 of 2014

Challenge in this petition is to the order dated 30.10.2014 (Annexure P-4) passed by the executing Court, directing the Secretary, Department of Local Government, Punjab, Chandigarh and Director, Local Government, Punjab, Chandigarh to come present in person and intimate with regard to the steps being taken for the publication of notification for acquisition of the land in question.

The impugned order was passed during the execution proceedings.

The dispute between the parties was with regard to land of respondent Nos. 1 and 2, which had been utilized for carving of a street under the Building Scheme. Their suit was dismissed by the trial Court vide judgment and decree dated 21.12.1993. Appeal against the said judgment was also dismissed on 19.11.1999. RSA No.1871 of 2000 filed by Bimla Devi and Harkishan Lal was allowed vide Annexure P-5 by giving direction to the Municipal Committee-petitioner to implement the Building Scheme in letter and spirit. SLP No.21854 of 2009 against this decision was dismissed by the Hon'ble Supreme Court on 04.03.2012.

Keeping in view that dispute between the parties has attained finality, the impugned order dated 30.10.2014 is modified by giving

directions to the trial/executing Court to accept the affidavit submitted by the Secretary or Director, Local Government, Punjab, explaining the steps being taken for the publication of notification for acquisition of land in dispute.

Disposed of accordingly.

**(RITU BAHRI)
JUDGE**

19.09.2015
ajp