

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.1389 of 2015 (O&M)

Date of Decision:24.09.2015

Gurdial Singh Jaswal

... Petitioner

v.

Chandigarh Housing Board & another

... Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. B.S. Jaswal, Advocate for the petitioner.

Mr. Om Pal Sharma, Advocate for respondent No.1.

Mr. Sunil Kumar, Advocate for respondent No.2.

....

S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

The petitioner seeks an order directing respondent No.1 to transfer the flat in his name. Respondent No.1 does not refuse to transfer the flat in the petitioner's name on account of any claim from the original owner. The original owner has given an NOC for the same.

2. Respondent No.2 had entered into an agreement with the original owner for the purchase of the flat prior to the agreement between the petitioner and the original owner. Learned counsel appearing on behalf of respondent No.2, however, states that respondent No.2 now does not seek specific performance of that agreement. Respondent No.2 merely seeks refund of amounts paid by him to the original owner i.e. one R.K. Sethi together with the interest thereon.

3. Respondent No.1 is not concerned with the disputes between respondent No.2 and the petitioner. As we mentioned earlier respondent No.1 is not concerned with the dispute between the petitioner and the

original owner either.

The petition is disposed by following orders:

- (i) Respondent No.1 shall transfer the flat in the name of the petitioner but without assuming any liability whatsoever from the original owner or respondent No.2.
- (ii) The petitioner shall accept the transfer subject to the rights of third parties, if any, including of the original owner and/or respondent No.2 in respect of the said flat.

The writ petition is, accordingly, disposed of.

Respondent No.2 does not have any claim against the petitioner

per se.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

24.09.2015
harjeet