

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

C.M. NOS.12383-384 C OF 2014 &

R.S.A. NO.5243 OF 2014

DATE OF DECISION: DECEMBER 10, 2015

Hema Punj

.....Appellant

VERSUS

The Ludhiana Improvement Trust, Ludhiana

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

**Present: Mr. Dharminder Singh Randhawa, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.12383 C of 2014

Prayer in this application is for condonation of delay of 33 days
in refiling the appeal.

For the reasons mentioned in the application, which are duly
supported by an affidavit of the counsel, the present application is allowed
and delay of 33 days in refiling the appeal stands condoned.

C.M. No.12384 C of 2014

C.M. is allowed.

Exemption is granted from filing certified copy of grounds of
appeal before the District Judge, Ludhiana.

R.S.A. No.5243 of 2014

Challenge in this appeal is to the judgement and decree dated 31.10.2013 passed by the Civil Judge (Junior Division), Ludhiana, by which the suit filed by the plaintiffs stands dismissed. Even an appeal filed against the same has been dismissed on 13.03.2014 by the Additional District Judge, Ludhiana. However, in Para 14 of the said judgement, directions have been issued to the respondents to the following effect:-

“Before parting with this appeal, it is pertinent to reiterate that a small sized plot measuring 100 square yards had been allotted to Sh.Sant Ram way back on 16.8.1976. Sh.Sant Ram died on 14.6.1982. Smt.Ram Piari, who was the mother and one of the Class-I legal heirs of Sant Ram, had died on 9.11.2002. During the pendency of the suit, even plaintiff No.1 Suraj Kiran, who was the wife of Sant Ram, also died on 9.5.2013. Plaintiff/appellant No.2 Hema Punj, who is stated to be the only daughter and heir of Sant Ram, is married at Mohali. When there is no dispute regarding the allotment of the plot in the name of Sant Ram and no other person has come forward to claim any share in the plot in dispute; and also in view of the other attending circumstances of the case, this Court is of the considered view that irrespective of the outcome of this litigation, it would be just and appropriate as also in the interests of justice that in the event of completion of requisite formalities by the plaintiffs/appellants, including by way of payment of all the outstanding dues, charges and fee alongwith penal interest and the penalty, as the case may be, and on

furnishing of the requisite documents and particulars, including the surety or the indemnity bonds; and subject to there being no other hurdle in transferring the plot, the request for the same should be duly considered by the defendant Trust in accordance with the rules and the instructions applicable to the transfer of such plots.”

Counsel for the appellant states that in compliance with the above observations of the learned lower Appellate Court, appellant-plaintiff, Hema Punj, has moved an application to the respondent-defendant, seeking information with regard to the formalities and documents, which are required to be submitted, including the outstanding dues but no response thereto has been received.

Having considered the submissions made by learned counsel for the appellant and the observations as have been reproduced above, the present appeal is disposed of with a direction to the respondent-the Ludhiana Improvement Trust, Ludhiana, to comply with the said directions/observations of the learned lower Appellate Court within a period of four months from the date of receipt of certified copy of this order.

**December 10, 2015
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**