

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

- 1. RA-RS-5-C of 2016 (O&M) in  
RSA No. 3338 of 2011  
Date of Decision : 13.12.2016**

Ravinder Pal

....Appellant

Versus

Ashwani Kumar and another

.....Applicant-respondent no. 1

- 2. RA-RS-7-C of 2016 (O&M) in  
RSA No. 3486 of 2011**

Ashwani Kumar

....Applicant-appellant

Versus

Ravinder Pal and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Pankaj Jain, Advocate  
for the applicant in both the review applications.

**Surinder Gupta, J.**

These are the review applications filed by applicant-respondent no. 1 (Ashwani Kumar) in RSA No. 3338 of 2011 and applicant-appellant (Ashwani Kumar) in RSA No. 3486 of 2011.

Learned counsel for the applicant has sought review of judgment dated 06.11.2015 passed in aforesaid appeals on the ground as follows:-

- (i) This fact has weighed before this Court that under terms of allotment, there was specific bar against society or its members that they will not sell or transfer the plot or part thereof for a period of 15 years from the date of completion of building. He has argued that Chandigarh Administration vide notification dated 07.02.2008 diluted that term by allowing the allottees to transfer

their ownership or share of plot/dwelling unit or any right, title or interest therein or to part with possession of the land/dwelling unit after five years from the date of allotment of land to respective society through a legal process subject to fulfilling of condition mentioned in the notification.

- (ii) That the agreement to sell is not a transfer of title, as such, the bar contained under clause 15 of the letter of allotment is not applicable in this case.

Admittedly, terms contained in notification dated 07.02.2008 were not on record or were produced or relied on by learned counsel for applicant. The term require a threadbare discussion about its applicability to facts of the present case or as to whether these are prospective or retrospective? Judgment dated 06.11.2015 cannot be reviewed to consider a document, which was not on record.

The other argument of learned counsel for applicant also does not reflect any flaw which calls for review of the judgment.

These applications have no merit.

Dismissed.

Copy of this order be placed on the file of other connected matter.

**December 13, 2016**  
jk

**( SURINDER GUPTA)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

*Whether Reportable*

*Yes/No*