

CM-3022-2017; in/and
CWP-17538-2004 (O&M)

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HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-3022-2017; in/and
CWP-17538-2004 (O&M)
Date of Decision: April 18, 2017

Arunesh Aggarwal

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Hemen Aggarwal, Advocate
for the petitioner.
Mr.Harit Sharma, Advocate.
Mr.Sunil Chadha, Sr.Advocate with
Mr.Chetan Bansal, Advocate
for the applicant.

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SURYA KANT, J.

CM-3022-2017

Though the prayer in this application is to implead the applicant (Sandeep Singh son of Kuljit Singh) as respondent No.4, however, from the averments made in the application it stands established that he wants to be substituted in place of the petitioner. It may be mentioned that residential plot measuring 500 sq.yards in Sectors 76-80, Urban Estate, SAS Nagar Mohali, was allotted to writ petitioner-Arunesh Aggarwal vide Letter of

Intent dated 30.03.2001. The allottee-writ petitioner entered into an

agreement to sell with the applicant on 08.01.2004. There arose a dispute between the parties which led the applicant-Sandeep Singh to file civil suit No.20 dated 13.01.2005 for possession. The suit was decreed by the Civil Court on 16.12.2011 and first and 2nd appeals preferred by Arunesh Aggarwal against the said judgment and decree were dismissed. SLP, however, is stated to be pending without any interim stay. Meanwhile in execution of the Civil Court decree, the plot has been transferred in favour of the applicant-Sandeep Singh. He, thus, seeks to be substituted in place of Arunesh Aggarwal, who is the writ petitioner in this case.

In the light of undisputed facts, the application is allowed and the applicant-Sandeep Singh is ordered to be substituted as writ petitioner in place of Arunesh Aggarwal. Amended memo of parties is taken on record.

CM stands disposed of.

Registry is directed to make necessary correction in the memo of parties.

CWP-17538-2004

With the consent of the learned counsel for the parties, the main case is taken up on Board today for final disposal.

[2] The petitioner has filed the instant writ petition challenging Condition No.4 of the Letter of Intent dated 30.03.2001 (Annexure P-1) and order dated 30.09.2004 (Annexure P-10), directing him to deposit 15% amount of the allotment price with 10% penalty and 15% compound interest and surcharge in a time-bound manner. This Court vide order dated 08.11.2004 stayed the recovery of 10% penalty, 15% compound interest,

penal interest and surcharge.

[3] The substituted petitioner -Sandeep Singh has placed on record the documents Annexures A-10 and A-11 dated 17.03.2017 and 21.03.2017 respectively, whereby the Greater Mohali Area Development Authority, namely, the successor of PUDA has transferred the Letter of Intent of residential plot in favour of the substituted petitioner-Sandeep Singh and has further acknowledged deposit of 25% amount of the allotment price alongwith interest, penalty and surcharge.

[4] Since the substituted petitioner has deposited the amounts which were imposed vide Condition No.4 of the Letter of Intent dated 30.03.2001 and order dated 30.09.2004, his counsel submits and rightly so that the instant writ petition has become infructuous. Consequently, the writ petition is disposed of as having been rendered infructuous.

**(SURYA KANT)
JUDGE**

April 18, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned ?	Yes/No
2. Whether reportable ?	Yes/No