

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

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**CWP No.2818 of 2016 (O&M)**

**Date of Decision: 21.02.2017**

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Pooja Verma & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

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

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Present: Mr. Arvind Singh, Advocate for the petitioners

Mr. Deepak Balyan, Addl. AG Haryana

Mr. Mayank Aggarwal, Advocate for respondents No.4&5

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**SURYA KANT, J. (Oral)**

(1) Learned counsel for HUDA states that no written statement is required to be filed except to refer to the policy dated 03.06.2013, photocopy whereof handed over in Court is taken on record as Annexure R1.

(2) Heard learned counsel for the parties.

(3) The controversy pertains to transfer of ownership rights in favour of the petitioners and respondent No.4 & 5 as per the partition arrived at between them before the Mediation and Conciliation Centre at Sonapat which culminated into Civil Court decree dated 16.12.2014 and which has been duly registered on 27.07.2015 (P5). Vide the above-stated family settlement, the properties which were jointly owned by respondent No.4 (Mukul Verma) and his brother (late Gaurav Verma) have been partitioned amongst the legal heirs of late Gaurav Verma on one hand and respondent No.4 and his wife (respondent No.5) on the other. As a result of the above-stated family settlement (i) House No.68, Sector 15, HUDA, Sonapat, (ii) Plot No.2238-P, Sector 12, HUDA, Sonapat, and (iii) Plot No.1996 Sector

petitioners (legal heirs of Gaurav Verma) whereas other properties which fell to the share of respondents No.4&5 have already been transferred in their favour. Respondents No.4&5 have no objection against such transfer.

(4) Learned counsel for HUDA relies upon clause (2) of the policy dated 03.06.2013 to urge that since it's a case of transfer of ownership rights in immovable property, the petitioners can acquire ownership by way of sale deeds only.

(5) We however, do not find any merit in the contention. The plots were jointly owned by the predecessor-in-interest of the petitioners Gaurav Verma along with his brother, namely, respondent No.4. The properties jointly owned by both the brothers were partitioned and thus three plots fell to the share of the petitioners (his legal heirs) and as per the Civil Court decree, they are entitled to ownership of the plots.

(6) Ordered accordingly.

(7) The HUDA authorities are directed to transfer the above-mentioned plots and make necessary entries in the record within a period of three months from the date of receipt of certified copy of this order.

(8) The writ petition stands disposed of accordingly.

**(Surya Kant)**  
**Judge**

**21.02.2017**  
*vishal shonkar*

**(Sudip Ahluwalia)**  
**Judge**

1. Whether speaking/reasoned?  
2. Whether reportable?

**Yes**  
**No**