

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

LPA No. 2371 of 2016 (O &M)
Date of Decision: 5.4.2017

Harvinder Kaur Bawa

.....Appellant

v.

The Appellate Tribunal, Panchkula and others

.....Respondents

CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN

Present:- Mr. Kabir Sarin, Advocate, for the appellant

Ms. Kirti Singh, DAG, Haryana

Mr. Sudhir Mittal, Advocate, for respondents No. 3 and 4

MAHESH GROVER, J. (Oral) :

It is not disputed before us that the orders of this Court dated 8.12.2016, mandating the conclusion of proceedings in terms of the following directions have been carried out :-

“Since the parties are already before us and alive to the controversy, we can easily dispense with some initial procedure to enforce attendance as indicated in sub-clauses (i) and (ii) of clause (1) under the heading “Procedure for eviction from the property/residential building belonging to/occupied by Senior Citizen/Parents” of the Action Plan.

We, however, while enforcing sub-clauses (iii) and (iv) of clause (1) direct the Sub Divisional Magistrate concerned to submit a report in terms of such clause within 21 days from the date of receipt of certified copy of this order and the District Magistrate concerned shall give an opportunity of hearing to

both the parties and conclude the dispute. The Sub Divisional Magistrate shall seek the report of the revenue officer within the period stipulated in sub-clause (ii) and the District Magistrate would likewise adhere to sub-clause (iv). Both the parties would be obliged to furnish their cell phone numbers to the Sub Divisional Magistrate so as to enable him to transmit the date of initial hearing as also the subsequent ones through text messages, in which eventuality the procedure for effecting service through affixation on the outer door or at some other conspicuous part of the premises would be dispensed with. This, however, is not intended to exclude the course altogether and the District Magistrate would be at liberty to take a decision in respect of affixation of the summons at the place of residence which is house in dispute, should the situation so warrant just to eliminate the chance of the respondent raising such an objection.

The appellant has been put in possession. Consequently, no further directions are required in the present case. The appeal is disposed of leaving the parties to their remedies.

Civil Miscellaneous Applications :

No orders are required to be passed in the applications as the proceedings before the authority below have been concluded and the main appeal stands disposed of.

(MAHESH GROVER)
JUDGE

(SHEKHER DHAWAN)
JUDGE

5.4.2017
Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No