

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

CR No.2752 of 2018

Date of decision: 30th April, 2018

Balwinder Singh

... Petitioner

Versus

Ludhiana Improvement Trust

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Chandra Kumar Jha, Advocate for the petitioner.

FATEH DEEP SINGH, J.

Through this civil revision, the petitioner Balwinder Singh through his attorney Gurmaninder Kaur has sought against respondent Ludhiana Improvement Trust (for short, 'the Trust') relief of setting aside of orders passed in execution application dated 08.12.2017 (Annexure P1) by virtue of which the execution application of the present revisionist stood dismissed.

Heard Mr. Chandra Kumar Jha, Advocate for the petitioner and perused records of the case.

The dispute is over allotment of flat No.20-TF situated in Sant Ishar Singh Nagar, Pakhowal Road, Ludhiana and through letter dated 25.01.2001 the Trust had asked the revisionist to deposit a sum of Rs.6,32,820/- as arrears within 15 days else the allotment of the flat would be cancelled. It is in consequence of non-payment thereof allotment of this flat stood cancelled vide resolution dated 22.12.2003 by

the Trust as the revisionist failed to deposit the amount so called for by the Trust.

It is admitted stance of the learned counsel for the petitioner that as per the judgment so claimed to have been secured by the revisionist, he was called upon to deposit the outstanding amount with the Trust and which was calculated to be Rs.6,94,113/- being remaining sale price, interest, penal interest etc. as per the rules of the Trust and the revisionist has failed to deposit the said amount within the specific period in spite of due reminders and therefore, the allotment stood cancelled. It has been rightly observed by the learned executing Court that it is not a fresh suit where executing Court can go beyond the decree in adjudicating upon the claim and counter-claim of the decree-holder (present revisionist). Once the revisionist has failed to comply with the decree, as a natural consequence the Trust was well within its rights to cancel the allotment and resume the premises and which it has rightly done so. The impugned order does not suffer from any illegality or perversity and needs to be upheld. The revision petition being without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

April 30, 2018
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No