

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

**RSA No.2853 of 1995 (O&M)
Date of Order: 03.10.2018**

The Hoshiarpur Improvement Trust Hoshiarpur

..Appellant

Versus

Chaman Singh Bhatia

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Khunger, Advocate,
for the appellant.

Mr. Sanjay Majithia, Sr. Advocate, with
Mr. Inderjeet Singh, Advocate,
for the respondent.

ANIL KSHETARPAL, J (Oral)

Defendant-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below.

It is undisputed that plot no.244 was allotted to predecessor of the plaintiff-respondent for a sum of Rs.14,000/- on 29.10.1979. As per the allotment letter, allottee was required to pay 1/4th of the amount of sale consideration within a period of 30 days and remaining amount was payable in equated 7 six monthly installments along with interest @ 9% per annum.

Learned counsel for the appellant has a limited grievance. He submits that the learned trial court has erred in ordering restoration of the plot after setting aside the resumption of the plot and that also without any pre-condition. He submits that as per the terms of allotment, plaintiff-respondent is bound to pay interest @ 9% per annum in case the payment is to be made by way of 7 six monthly installments. He further submitted that

as per the allotment letter, two more conditions were to be fulfilled, one providing certificate to the effect that the allottee was belonging to scheduled cast and second was affidavit or certificate with regard to income.

Keeping in view that the learned counsel for the appellant has raised limited challenge to the impugned judgments, the appeal is disposed of while modifying the orders of the courts below:-

- (1) The plaintiff-respondent shall be liable to pay interest as provided in the allotment letter, which shall be pre-condition before plot is restored in favour of respondent-plaintiff.
- (2) Plaintiff-respondent shall be liable to complete all the formalities as required in the allotment letter within 3 months from the date of receipt of certified copy of the judgment.
- (3) Appellant would be liable to intimate to the plaintiff-respondent the arrears, if any, as well as the formalities which are required to be completed within 10 days from the date of receipt of the certified copy of the order.

October 03, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No