

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

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**RSA-944-2013 (O&M)
Date of Decision : 17.4.2018**

Rajinder Singh Dhaliwal and others

....Appellants

vs.

Greater Mohali Area Development Authority, PUDA Bhawan

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. H.S.Baidwan, Advocate
for the appellants.

None for the respondent.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the LRs of Smt. Gurdial Kaur widow of late Mehma Singh against the concurrent judgments of the Courts below dismissing a suit filed by the appellant.

Brief facts of the case are that the late husband of the original appellant Smt. Gurdial Kaur (now deceased) had received a Tamra Patra and as per the appellant she was in receipt of freedom fighter pension. At one stage respondent had advertised MIG flats in Mohali, out of which nine were reserved for those person who were either receiving freedom fighter pension or had been granted a Tamra Patra. The appellant applied for the same and was allotted a flat. Ultimately, that allotment was cancelled on the ground that it was her husband who had received Tamra Patra. The appellant challenged the cancellation by way of the instant suit which,

having been dismissed by the Courts below she is in appeal before this Court.

Learned counsel has vehemently argued that both the respondent and the Courts below erred in limiting the benefit only to the second of the two categories that is Tamra Patra recipient whereas as per the advertisement even a person who has been receiving freedom fighter pension was also eligible. I, however, find that the appellant has not been able to prove the assertion that she was receiving freedom fighter pension. She filed an affidavit to this effect but neither appeared to be cross examined nor any document like PPO or Bank statement was placed on record which could establish that she was in receipt of freedom fighter pension.

In the circumstances, no fault can be found with the judgments of the Courts below. The appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

17.4.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No