

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

RSA No.5897 of 2016 (O&M)

Date of Decision: February 09, 2018

Maya Devi

...Appellant

Versus

Bathinda Development Authority and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Karan Garg, Advocate for the appellant.

HARINDER SINGH SIDHU, J.

This regular second appeal has been filed against the judgment and decree of the courts below.

The plaintiff – appellant had filed a suit for declaration to the effect that the order dated 24.2.2009 passed by defendant No.2 – Additional Chief Administrator, Bathinda Development Authority, vide which allotment of House No.MIG-1090, Phase-II, Urban Estate, Bathinda, allotted to the plaintiff, had been cancelled. She had also prayed for declaration that she is entitled to deposit the balance amount against allotment of the plot.

The plaintiff had applied for allotment of a built up house under MIG category in Urban Estate, Phase-II, Bathinda under 132 MIG scheme. Vide allotment letter dated 27.9.2004, she was allotted a house under tentative price of Rs.2,70,390/-. She was required to deposit 15% of the price of the house within thirty days from the date of allotment. The balance 85% amount of the price of the house was to be deposited in 180 monthly

instalments of Rs.3296/-, each, including interest @ 15.5% per annum.

Though, she deposited some instalments, she later on defaulted as her husband lost his job. The Estate Officer, Bathinda Development Authority cancelled the allotment vide order dated 24.2.2009. She appealed against that order before defendant No.2, who vide order dated 2.7.2009 directed the plaintiff to deposit the balance amount within two months. If such amount was not deposited within two months, the order of the Estate Officer dated 24.2.2009 would revive.

It is not denied that the amount due against the appellant as on 31.1.2009 was Rs.88,992/-. The plaintiff failed to deposit the amount within two months as directed leading to cancellation of the allotment. It is this order, which was challenged by filing the civil suit.

The plaintiff admitted that she had not fulfilled the conditions of allotment. She further admitted that she did not deposit the amount within two months of the order dated 2.7.2009 passed by the Appellate Authority. In view thereof, the learned Courts below have held that she was not entitled to any relief.

As the default by the appellant is not being denied, there is no infirmity in the order cancelling the allotment.

No substantial question of law is involved.

Dismissed.

February 09, 2018

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No