

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

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RSA No.3450 of 2009 (O&M)

Date of decision: 08.01.2019

HUDA AND ANR.

... Appellants

Versus

HARJIT KAUR (DECEASED) THR HER LR AND ANR.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rajesh K. Sheoran, Advocate with
Mr. N.S. Lubana, Advocate for the appellants.

Mr. Amit Aggarwal, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

CM No.3815-C of 2018

Heard.

Allowed as prayed for. Delay of 110 days in filing the application for impleading LRs stands condoned.

CM Nos.3814 and 3816-C of 2018

Notice of the application (CM No.3816-C of 2018) to counsel for the non-applicant/appellants.

Heard.

In view of averments made in the application supported by an affidavit of Amarpreet Singh Multani and arguments advanced, application is allowed and Amarpreet Singh Multani is allowed to be brought on record as legal representative of Harjit Kaur-respondent No.1 (since deceased), subject to just exceptions, for the purpose of present lis only.

Disposed of accordingly.

Amended memo of parties is taken on record.

CM No.14218-C of 2018

Mr. Rajesh K. Sheoran, Advocate has caused appearance on behalf of the non-applicants/appellants.

Counsel for the applicants/respondents would state that as the applicants/respondents are ready to pay interest @ 18% per annum qua delay in payment of installments, the appeal may be listed and disposed of.

Counsel representing the non-applicants/appellants has got no objection if RSA No.3450 of 2009 is taken on board and is disposed of.

In view of the above, the application is allowed and RSA No.3450 of 2009 is taken on board today itself.

Main Case

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit filed by the respondents/plaintiffs for declaration was partly decreed to the effect that notices dated 01.12.2000 and 08.01.2001 in respect of SCO No.60, Sector 12-A, Panchkula are illegal, null and void and the appellants shall not impose any penal interest upon the respondents/plaintiffs @ 18% per annum. The appellants were directed to furnish detailed calculation of the principal amount as well as interest calculated @ 15% per annum in accordance with letter of allotment. The amount in excess, if any, deposited by the respondents/plaintiffs is ordered to be refunded to the respondents within two months along with interest @ 15% per annum charged by the defendants/appellants. The judgment and decree passed by the trial Court became subject matter of challenge in Civil Appeal No.59 of 2008 filed by Haryana Urban Development Authority (in short 'the HUDA') and its Estate Officer. The Appellate Court dismissed the appeal subject, however, to the modification giving liberty to the appellants/defendants to impose penalty.

Counsel for the respondents has submitted that the respondents are ready to pay interest @ 18% per annum as per policy of the HUDA on delayed payment of installments and the appeal may be disposed of accordingly.

Counsel representing the appellants would state that the appellants have no grievance to express in case the respondents agree to pay interest @ 18% per annum as per policy of HUDA in respect of delay

in payment of installments.

In view of the above, the appeal stands disposed of. The judgments and decrees passed by the Courts are modified accordingly. The appellants shall supply details of outstanding liability to counsel for the respondents within a period of 15 days from today and the respondents shall deposit the outstanding amount with the appellants within next 15 days. In the peculiar facts and circumstances, the parties are left to bear their own costs.

08.01.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No