

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

284

Date of decision: 05.03.2020
RSA No.5818 of 2019 (O&M)

Dhanni Ram

... Appellant

Versus

Shakuntla Devi and anr.

... Respondents

RSA No.30 of 2020 (O&M)

Dhanni Ram and ors.

... Appellants

Versus

Shakuntla Devi

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Hitesh Ghai, Advocate for the appellants.
Mr. Jaideep Verma, Advocate for the respondents.

REKHA MITTAL, J. (Oral)

This order will dispose of RSA Nos.5818 of 2019 and 30 of 2020 as these have emerged out of dispute regarding sale deed bearing vasika No.5755 dated 09.08.2010 registered with Sub Registrar, Ludhiana in respect of house No.B-34-13000/29-A measuring 130 sq. yards, detailed in headnote of plaint of Civil Suit No.255 of 2014 titled 'Shakuntla Devi Vs. Dhani Ram and others' decided on 06.11.2017.

Two affidavits of Shakuntla Devi wife of Dhani Ram, affidavit of Dhani Ram son of Puran Chand and joint affidavit of Dhani Ram and Deepak Kumar filed in the Court, are taken on record.

Counsel for the parties, on instructions from Dhani Ram, Shakuntla Devi and Deepak Kumar present in the Court, would state that appeals may be disposed of, in view of terms and conditions contained in the affidavits and additional concession recorded by the parties and their counsel to the following effect:-

1. Shakuntla Devi is admitted to be owner of the aforesaid property on the basis of sale deed No.5755 dated 09.08.2010.

2. Shakuntla Devi shall maintain her residence in the disputed house on the ground floor.

3. Dhani Ram shall be entitle to raise construction of two rooms, one kitchen and one bathroom-cum-toilet on the first floor of the disputed property and shall be entitle to reside in the newly constructed portion along with Deepak Kumar and his family.

4. Shakuntla Devi shall contribute to the extent of Rs.1.75 lakh for raising construction on the first floor; the remaining expenses would be incurred by Sh. Dhani Ram. Sh. Dhani Ram would not be entitle to recover the expenses incurred for construction from Shakuntla Devi in any eventuality.

5. Sh. Dhani Ram shall not create any third party interest in the property constructed on the first floor of the house in dispute.

6. Sh. Deepak Kumar son of Sh. Dhani Ram shall be entitle to live on the first floor of the property along with his family only during lifetime of his father and would handover vacant possession of the first floor to Shakuntla Devi immediately thereafter. However, he shall not be entitle to claim any right, title or interest on the first floor of the disputed property during lifetime of his mother.

7. Dhani Ram shall handover vacant possession of ground floor of the suit house to Shakuntla Devi within a period of one month from today.

Disposed of accordingly.

05.03.2020

ashok

Whether speaking/reasoned:
Whether reportable:

(REKHA MITTAL)
JUDGE

Yes / No
Yes / No