

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

136

2023:PHHC:110259

**RSA-19-2020 (O&M)
Date of decision: 23.08.2023**

OM PRAKASH

..Petitioner

Versus

STATE OF HARYANA AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Mittal, Advocate
for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

CM-33-C-2020

1. For the reasons stated in the application for condonation of delay which is supported by an affidavit, the application is allowed.
2. The delay of 18 days in refiling the appeal is condoned.
3. CM stands disposed of.

Main case

4. The correctness of the concurrent findings of fact arrived at by the Courts below is assailed by the plaintiff in this second appeal. His suit for grant of decree of declaration that he is owner in possession of House No.7-B, Sector 26, Panchkula, has been dismissed by both the Courts below. It has come on record that the appellant's father succeeded in a draw of lots, but he failed to complete the required formalities including the supply of documents despite the repeated requests made by the allotting authority namely the Haryana Urban Development Authority (HUDA). It has also come on record that the Haryana Urban Development Authority (HUDA) requested the appellant's father to supply the documents, however, his father

filed affidavit dated 31.01.2012, for grant of six months time on the ground that he is out of station. It has also come on record that there was no allotment in favour of the appellant's father and in fact even the draw of lots was cancelled on 16.08.2012. The learned counsel representing the appellant contends that the First Appellate Court in para 12 observed that the allotting authority will decide the issue of allotment to the appellant in accordance with the scheme floated by the Government. He submits that no action has been taken by the Haryana Urban Development Authority (HUDA). The aforesaid observations are made in favour of the appellant. The appellant is not aggrieved therefrom.

5. In such circumstances, no ground to interfere is made out.
6. Dismissed accordingly.
7. All the pending miscellaneous applications, if any, are also disposed of.

August 23rd, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*