

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(236)

CR-4983-2019 (O&M)

Date of Decision : May 05, 2023

Santra Devi

.. Petitioner

Versus

The Chief Administrators, HUDA and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sudhir Rana, Advocate, for the petitioner.

Ms. Vasundhra Asija, Advocate, for
Mr. Pravindra Singh Chauhan, Advocate, for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-4267-CII-2021

Present application has been filed for preponing the date of hearing of the main petition from 17.05.2021 to some early actual date.

As the main civil revision petition is already listed today, present application has become infructuous.

CM stands disposed of as infructuous.

CR-4983-2019

1. In the present civil revision petition, the challenge is to the order dated 16.05.2019 (Annexure P-5) passed by the trial Court by which, the execution filed by the petitioner has been disposed of having been fully

satisfied.

2. Learned counsel for the petitioner argues that the execution petition was filed for executing the order passed by the District Judge, Rewari dated 25.09.2014 by which specific directions were given in paragraph 14 that the claim of the plaintiff was to be considered under the policy which was applicable at the time when he applied for the plot whereas, the said consideration has not been given, which is clear from the order passed by the authorities concerned dated 29.04.2019 but still, the trial Court accepted the speaking order of the concerned authority and closed the execution on the ground that once an order has been passed, the validity of the same can only be challenged by the plaintiff.

3. Learned counsel for the petitioner argues that once there was a specific direction for considering the claim of the petitioner under the policy which was prevalent at the time when the petitioner applied for the plot, which is concededly in the year 2008, which fact is also conceded by the respondents in the impugned order also, the claim under the said policy was required to be considered and not under 2016 policy, therefore, the disposing of the execution petition having been satisfied, is not correct.

4. Learned counsel for the respondents, after going through the speaking order dated 29.04.2019 passed by the authorities concerned, submits that the said speaking order does not consider the claim of the petitioner under the policy of 2008 and as per paragraph 14 of the judgment of the lower Appellate Court dated 25.09.2014, his case was to be considered under the policy of the year 2008, hence, the speaking order dated 29.04.2019 may kindly be treated as withdrawn with liberty to pass a fresh order keeping in view the direction given by the trial Court dated

16.05.2019.

5. Learned counsel for the petitioner submits that keeping in view the fact that the speaking order has been withdrawn, the present civil revision petition has been rendered infructuous and the same may kindly be disposed of as such.

6. Ordered accordingly.

May 05, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No