

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102+282)

CM No.3595-C of 2022 in/
and
RSA No.301 of 2017 (O&M)
Date of Decision : 03.05.2023

Hukam Kaur

...Appellant

Versus

Haryana Urban Development Authority and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shiv Kumar, Advocate for the appellant.

Mr. Anil Chawla, Advocate
for respondents No.1 and 2.

Mr. Kshitij Sharma, Advocate
for applicant/respondent No.3.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM No.9958-C of 2019

The present application has been filed for bringing on record the legal heirs of respondent No.3-Sh. Bishamber Dayal, who has unfortunately died during the pendency of the present appeal.

Notice of the application to the counsel opposite.

Learned counsel for the respondents, who are present in the Court accept notice and raise no objection for the grant of the prayer as made in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The legal heirs of

deceased Bishamber Dayal-respondent No.3, details of whom have been given in para 2 of the application, are brought on record with all just exceptions.

RSA No.301 of 2017

Present Regular Second Appeal has been filed challenging the judgment and decree passed by the Lower Appellate Court dated 21.07.2016 by which, the suit filed by the appellant-plaintiff has been dismissed by setting aside the judgment and decree of the trial Court dated 23.08.2013.

During the course of hearing, the parties informed the Court that they have compromised their dispute.

Learned counsel for the appellant submits that as of now, the HUDA has already issued a notice to respondent No.3 for deleting plot No.2188-P, which is allotted to him from the zoning plan so as to allot an alternative plot to respondent No.3, which action though was initially challenged by respondent No.3 by filing the Civil Suit but the said suit was later on withdrawn and as of now, the matter is pending consideration before the HUDA as to whether or not plot No.2188-P is to be deleted from the zoning plan so as to allot an alternative plot to respondent No.3.

Learned counsel for the parties submits that in case qua the said proposal decision is taken by HUDA Authorities that plot No.2188-P is to be deleted from the zoning plan and respondent No.3 is to be allotted an alternative site, the land which will become available on deletion of plot No.2188-P be considered for allotment to the appellant-plaintiff so as to allot 160 sq. yards of area to her, which was initially offered.

Learned counsel for the HUDA on instructions from Sh. Vijya, JE submits that appropriate decision on both counts will be taken and in case it is

decided by the competent authority in HUDA so as to delete plot No.2188-P from the zoning plan and respondent No.3 is to be allotted an alternative site and the area of plot No.2188-P, which will become available and against the said available area, the claim of appellant-plaintiff for allotting her some of the available area so as to make her plot 160 sq. yards, will also be considered and appropriate order will be passed.

Learned counsel for the parties after receiving instructions from their respective clients, who are present in Court submit that keeping in view the said agreement between the parties, the present appeal may be disposed of in terms of the said compromise and as the parties are litigating since long, it would be appreciated that the HUDA takes appropriate decision as expeditiously as possible preferably within a period of next six weeks.

Ordered accordingly.

CM No.9957-C of 2019 and
CM No.9959-C of 2019 and
CM No.3595-C of 2022 and

Applications are also disposed of accordingly.

May 03, 2023
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No