

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CWP-32002-2019 (O&M).
Date of Decision: 16.10.2023.

DINESH KUMAR KHANNA AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Abhishek Sharma, Advocate for the petitioners.

Mr. Rohit Bansal, Sr. D.A.G. Punjab.

VINOD S. BHARDWAJ. J (ORAL).

Prayer in the present writ petition is for seeking directions to respondent No.4 to allow the petitioners to get their property registered by paying the requisite revenue as prescribed in the State of Punjab and also for setting aside the letter dated 17.06.2015 (Annexure P-11) vide which respondent No.7 called upon respondent No.4 i.e. the Joint Sub Registrar, Zirakpur, to refrain him from executing the registry with respect to the property situated in Royale Mansions, Peermuchalla, Zirakpur, District Mohali.

Learned counsel for the petitioners has vehemently argued that the petitioners were allotted the residential plots in the aforesaid project being raised in Peermuchalla, Zirakpur, District Mohali, in the year 2012. The allotments letters duly signed by the authorized signatory-respondent No.6 was also issued on 16.08.2012. The possession of the said plot was handed over along with requisite formalities on 15.04.2015. After taking physical possession of the said flat, the same was transferred in favour of the petitioner by his mother. The petitioner has been requesting for issuance of re-possession, re-allotment letters and No Dues Certificate to be issued by respondent No.5, however, the same is not being done on account of inter se dispute amongst the partners. The rights of the petitioners to seek transfer of the property in their favour is being withheld by raising an artificial dispute which is perpetuated by malicious considerations.

A written statement on behalf of respondents No.1 to 4 had been filed wherein it has been averred that the sale deed is being sought to be registered on the basis of an agreement to sell and allotment letter with respect to the property situated in Royale mansions. However, a Civil Suit No.492 of 2015 titled as 'Anju Garg Vs. Ashok Kumar and others' has been filed before the Civil Court for declaration that the partnership deed dated 20.01.2012 executed between Ashok Kumar and others and Surender Bansal and others is a forged and fabricated document and had been got prepared in collusion and in conspiracy. A further interim prayer for injunction to restrain the defendants in the suit or any of their agents, servants or authorized representative from executing/alienating the property was also prayed. Vide order dated

06.10.2015, the Civil Judge (Junior Division) Derabassi, ordered that further alienation of the suit property by the defendants be stayed. The said civil suit is stated to be pending.

No replication disputing the aforesaid factual aspect or the pendency of the civil suit before the Civil Judge (Junior Division) Derabassi, has been filed.

In view of the pendency of the aforesaid civil suit and the controversy being yet to be decided as to who would be empowered and authorized to execute the sale deed, counsel for the petitioners prays that he may be permitted to move an appropriate application in the pending civil suit for enforcement of his rights and that in the event of such an application being moved, the civil Court may be directed to examine the same and to pass an appropriate order expeditiously. The aforesaid prayer made by the counsel for the petitioners is not disputed by the counsel for the respondents.

I have heard the learned counsel for the parties and have gone through the documents appended along with the present petition.

Taking into consideration that the civil suit was instituted before the Civil Court in the year 2015 and a period of nearly 08 years has elapsed since then, I deem it appropriate to allow the petitioners herein to move an appropriate application in the above said civil suit for seeking relief prayed for and that in the event of any such appropriate application(s) being moved, the Civil Court shall take an expeditious

decision thereupon after granting an opportunity of hearing to the respective parties.

The present petition is accordingly disposed of in view of above directions with liberties as aforesaid.

October 16, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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