



**CR-6684-2024 (O&M) and
CR-6806-2024**

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

(122)

1. CR-6684-2024 (O&M)

**The Estate Officer, Haryana Urban Development Authority, Kaithal
and others**

....Petitioners

Versus

Ram Saran Dass (since deceased) through his LRs

.....Respondent

2. CR-6806-2024

**The Estate Officer, Haryana Urban Development Authority, Kaithal
and others**

....Petitioners

Versus

Lajwanti (since deceased) through her LRs

.....Respondent

Date of Decision: - 16.12.2024

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

**Present:- Mr. Harmanjot Singh Gill, Advocate, and
Mr. Jayant Puneet Bamal, Advocate
for the petitioners.**

VIKAS BAHL, J. (ORAL)

1. Present order will dispose of two revision petitions i.e. Civil



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Revision No.6684 of 2024 titled as 'The Estate Officer, Haryana Urban Development Authority, Kaithal and others Vs. Ram Saran Dass (since deceased) through his LRs', in which, the challenge is to the judgment dated 13.03.2024 (Annexure P-7) passed by the Civil Judge (Junior Division), Kaithal in the Executing Petition No.133 of 2022 whereby the Executing Court has allowed the objections filed by the respondent-decree holder and has directed the present petitioner to issue fresh allotment letter as per the price prevalent in the year 1992. Civil Revision No.6806 of 2024 has been filed by the same petitioners as in CR-6684-2024 against Smt. Lajwanti (since deceased) through her LRs., in which, the challenge is to the order dated 13.03.2024 (Annexure P-7) passed by the Civil Judge (Junior Division), Kaithal in Execution Petition No.132 of 2022 whereby the Executing Court has allowed the objections of the respondent-decree holder.

2. Learned counsel for the petitioners, in both the petitions, have submitted that the petitioners have allotted plots to the decree holders at the current market rate prevalent in the year 2024 and have submitted that the rate which was to be charged was one which was prevalent at the time the allotment was made and thus, the said allotment at the current market rate was in accordance with law. It is further submitted that the Executing Court has wrongly directed the present petitioners to fix the rate which was prevalent in the year 1992 and thus, has wrongly allowed the objections of the decree holders thereby directing the petitioners to issue fresh allotment letters as per the price of



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the plots prevalent in the year 1992, which order deserves to be set aside and which execution deserved to be consigned to the record room as the same stands satisfied.

3. This Court has heard learned counsel for the petitioners and has perused the paper-book and finds that the impugned orders in both the petitions have been rightly passed and the present revision petitions are meritless and deserve to be dismissed.

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4. Respondent-Ram Saran Dass had filed a suit for mandatory injunction directing the present petitioners/defendants to deliver the free hold residential plot of 500 sq. yards as mentioned in para No.7 of the plaint as per the price which was fixed in the year 1992. The said suit was dismissed vide judgment and decree dated 04.11.2009 (Annexure P-1) and against the same, the respondent had filed an appeal and the 1st Appellate Court vide judgment and decree dated 30.11.2012 had allowed the appeal in toto and had decreed the suit filed by the respondent-plaintiff. Para 24 of the said judgment of the 1st Appellate Court dated 30.11.2012 is reproduced herein below: -

“xxx xxx xxx

24. This court has considered the submissions made by the learned Government Pleader as well as the learned counsel for respondent No.3, but their submissions have been found to be untenable, without any force and merits. While concurring with the arguments advanced by the learned counsel for the appellant, this court is of the considered opinion that the learned trial court has grossly and manifestly erred while recording the findings under



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*issues No. 1 to 3, in spite of the fact that there was a sufficient and cogent evidence in order to prove the relief which was been sought in the main suit and as such, **while accepting the appeal in toto with costs, the findings recorded by the learned trial court under issues No 1 to 3 stand reversed and resultantly, the suit is hereby decreed.** The trial court record be remitted back to the concerned court. Decree-sheet be prepared accordingly and appeal file be consigned to the record-room.*

Announced in open court.

(R.S. Chaudhary)

30.11.2012

Addl. District Judge

Kaithal”

5. The relevant portion of the decree sheet passed by the 1st appellate Court is reproduced herein below: -

“DECREE SHEET

Value of the suit for the purposes of court fee Rs. 25/-.

Value of the suit for the purposes of jurisdiction Rs. 200/-.

ENGLISH CIVIL FORM NO.124.

DECREE IN APPEAL

*IN THE COURT OF SH. R.S. CHAUDHARY, ADDL. DISTRICT
JUDGE, KAITHAL.*

Ram Saran Dass (since deceased) son of Sh. Gurditta Mal resident of Kaithal, now represented by Smt. Usha Rani daughter of Sh. Ram Saran Dass wife of Om Parkash, resident of Malvia Nagar, New Delhi through her GPA holder Sh. Gobind Lal son of Sh. Ram Saran Dass resident of Kaithal, Tehsil sand District Kaithal.

....Appellant/plaintiff

Versus

- 1. Estate Officer, Haryana Urban Development Authority,
Kaithal.*
- 2. Chief Administrator, Haryana Urban Development*



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Authority, Sector-6, Panchkula.

3. *Haryana Urban Development Authority through its Chief
Administrator, HUDA Sector-6, Panchkula.*

.....Respondents/defendants

*Civil Appeal No. 110 of 2009 from the judgment and decree of Ms.
Harshali Chaudhary, the then Civil Judge (Jr.Divn.), Kaithal dated
04.11.2009.*

*Date of presentation of the plaint in lower court:
30.05.2007/14.12.2007*

Date of Decision of the first court:- 04.11.2009.

*Claim of a decree for Mandatory injunction directing the
defendants to deliver the free hold residential developed plot of 500
sq. yards as mentioned in para no.7 of the plaint to the plaintiff, be
passed with costs in favour of the plaintiff and against the
defendants, on the price, which was fixed in the year 1992.*

Detail of para no.7: *That the defendants have reserved the
plots no. 175 to 200 of 500 sq. yards for the oustees in sector 20-
HUDA, Kaithal and plots no. 930, 936, 943 to 948, 778, 782 in
Sector 19(II) U/E Kaithal of 500 sq. yards for the oustees and the
plots of 250 sq. yards bearing no. 10, 20, 30, 40, 120, 130, 150,
160, 170, 263, 273, 283, 300, 344, 354, 364, 396, 406, 435, 483,
516 has been reserved for the oustees in sector 20, HUDA.*

MEMO OF APPEAL

Ram Saran Dass

...Appellant/plaintiff

Versus

E.O. HUDA, etc.

....Respondents/defendants

*The above named appellant filed this appeal in this court
against the Judgment and decree of Ms. Harshali Chaudhary, the
then Civil Judge (Jr.Divn.), Kaithal for the reason mentioned in
ground of appeal.*



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Appeal presented on 04.12.2009.

This appeal is coming on this 30th day of November, 2012 for final disposal before me (R.S. Chaudhary Additional District Judge, Kaithal) in the presence of Sh. R.C. Dua, Adv, for the appellant Sh. Ishwar Singh Government Pleader for respondents No. 1 & 2 and Sh. Dinesh Kawatra, counsel for respondent no.3.

It is ordered that, accepting the appeal in toto with costs, the findings recorded by the learned trial court under issues No.1 to 3 stand reversed and resultantly, the suit is hereby decreed.”

6. A perusal of the above judgment passed by the Additional District Judge, Kaithal would show that the suit has been stated to be decreed and the appeal has been allowed in toto and a further perusal of the decree sheet would show that the claim of the respondent-plaintiff for being allotted the free hold residential plot of 500 sq. yards on the price which was fixed in the year 1992 was allowed and the suit was decreed. It was nowhere stated that the suit has been partly decreed or that the price which was prevalent in the year 1992, which was claimed, was not granted to the decree holder.

7. It is not in dispute that vide judgment dated 30.07.2019 (Annexure P-3), the Regular Second Appeal No.1307 of 2013 filed by the present petitioners was dismissed without any modification, rather, in the said judgment it was observed that the judgment of the 1st Appellate Court in which it was observed that the plot measuring 500 sq. yards on payment of the reserve price was to be granted to the plaintiff was in accordance with law and there was no reason to set aside the said



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judgment. The Hon'ble Supreme Court had also upheld the said order and even dismissed the SLP as well as the review application filed by the present petitioners before the Hon'ble Supreme Court.

8. It is also not disputed that the decree holder had filed the execution petition and during the pendency of the same, the petitioners had issued the allotment letter dated 13.02.2024 (Annexure P-6) and it is the case of the petitioners that the said allotment letter was issued at the rate which was prevalent in the year 2024. The decree holder had filed the objections qua the said allotment letter and the Executing Court, vide order dated 13.03.2024 (Annexure P-7) had observed that the issuance of the allotment letter was not in accordance with the judgment of the 1st Appellate Court as price was to be fixed as per the policy formulated in the year 1992 and thus, the rate was to be fixed which was prevalent in the year 1992 and accordingly, the petitioners were directed to issue a fresh allotment letter as per the price prevalent in the year 1992, in accordance with the judgment dated 30.11.2012.

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9. Respondent-Lajwanti had filed a suit for mandatory injunction directing the defendants/present petitioners to deliver the free hold residential plot of 250 sq. yards as mentioned in para No.1 of the plaint on the price which was fixed in the year 1992. The said suit was decreed vide judgment and decree dated 05.06.2009 (Annexure P-1). Para 20 of the said judgment and decree is reproduced herein below: -



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“RELIEF:

20. Hence, in view of the above made discussion, the **present suit of the plaintiff is hereby decreed** and a direction in form of the mandatory injunction is hereby passed for the defendant to allot one plot for residential/commercial plot of 250 Sq. yard to the plaintiff being an oustee, within three months of passing the judgment and decree. It is made clear that in default, the plaintiff is at the liberty to get the relief executed in due process of law. There are no orders as to costs. Decree sheet be prepared accordingly. File be consigned to the record room after due compliance.

Pronounced in open court:
5.6.2009

Harshali Chowdhary
Civil Judge (Jr. Div.)
Kaithal”

10. The decree sheet passed in the said suit and the relevant portion of the said decree sheet is reproduced herein below: -

“Decree Sheet:

Value of the suit for the purposes of Court fee Rs.25/-

Value of the suit for the purposes of Jurisdiction fee Rs.200/-

Civil Suit No.89 of 2007.

In the Court of Ms. Harshali Chowdhary Civil Judge (Jr. Divn.)
Kaithal.

Lajwanti wife of Sh. Ramsaran Dass, r/o Kaithal tehsil and Distt.
Kaithal.Plaintiff

Versus

1. Estate Officer, Haryana Urban Development Authority
Kaithal.
2. Chief Administrator, Haryana Urban Development
Authority, Sec.6 Panchkula
3. Haryana Urban Development Authority through its Chief
Administrator, HUDA Sec.6 Panchkula.



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Suit for Mandatory Injunction

*Claim for a decree for Mandatory injunction directing the defendants to deliver the free hold residential developed plot of 250 sq.yards as mentioned in para no.7 of the plaint to the plaintiff be passed with costs in favour of the plaintiff and against the defendants, **on the price which was fixed in the year 1992.***

*Detail of para no.7: **That there is policy of the defendants vide memo no.2-92/2082 dated 18.3.1992 and vide advertisement of defendants for allotment of free hold residential plot at Kaithal to persons whose land has been acquired, booking of which commenced from 22.12.1992.***

Plaint presented on 28.3.2007.

This suit is coming on this day for final disposal before me (Harshali Chowdhary Civil Judge Jr. Division Kaithal) in the presence of Shri R.C.Dua. Adv. for plaintiff, and Sh.A.K.Sardana, Adv. for defendants.

***It is ordered that the suit of the plaintiff is hereby decreed** and a direction in form of mandatory injunction is hereby passed for the defendant to allot one plot for residential/ commercial plot of 250 sq. yards to the plaintiff being an oustee, within three months of passing the judgment and decree. It is made clear that in default, the plaintiff is at the liberty to get the relief executed in due process of law. There are no orders as to costs.”*

11. A perusal of the said judgment and decree as well as the decree sheet clearly shows that the claim of the decree holder to the effect that the plot was to be allotted to the decree holder on the price which was fixed in the year 1992, was decreed in toto. The 1st Appellate Court vide judgment and decree dated 18.07.2011 (Annexure P-2) dismissed the



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said appeal filed by the present petitioners without any modification. A perusal of the decree sheet (at page 45 of the paper-book) would show that the claim of the decree holder to the effect that the plot should be allotted at the price which was fixed in the year 1992 was reiterated and the said claim was upheld and the appeal filed by the petitioners was dismissed. The Regular Second Appeal No.2409 of 2012 filed by the petitioners was also dismissed by a Co-ordinate Bench of this Court vide judgment dated 30.07.2019 (Annexure P-3). Even the SLP and the review application filed before the Hon'ble Supreme Court by the petitioners was also dismissed.

12. The respondent/decreed holder had filed an execution petition and during the pendency of the said execution petition, the petitioners had issued the allotment letter dated 13.02.2024 (Annexure P-6), which as per the case of the petitioners, was issued at the rate which was prevalent in the year 2024. The Executing Court vide judgment dated 13.03.2024 (Annexure P-7) observed that as per the judgment and decree in favour of the decree holder, the plot was to be allotted to her as per the price which was prevalent in the year 1992 and accordingly, allowed the objections filed by the decree holder with respect to the price being charged from the said decree holder, with a direction to the present petitioners to issue a fresh allotment letter as per the price fixed in the year 1992 in accordance with the judgment and decree dated 05.06.2009.

13. By virtue of the impugned orders, the Executing Court had directed the petitioners to comply with the judgments and decrees passed



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in favour of both the decree holders.

14. It is a matter of settled law that the Executing Court is to execute the judgment and decree and the terms of the judgment and decree are of paramount importance for ensuring that the same has been duly executed. In both the petitions, it stands without doubt that the claim of the respondents/decreed holders to the effect that the plots should be allotted to them on the price which was fixed in the year 1992 stands decreed/allowed in toto. It is not for the petitioner/JD to modify the said decrees by making the allotment at the rate which was prevalent in the year 2024, more so, when their appeals and the SLPs filed by the petitioners had been dismissed without there being any modification of the original decrees. Even otherwise, the petitioners cannot be given benefit of delaying the issuance of allotment letter in favour of the decree holders.

15. Keeping in view the above-said facts and circumstances, the impugned orders passed by the Civil Judge (Junior Division), Kaithal are upheld and the revision petitions filed by the petitioners being meritless, deserve to be dismissed and are accordingly dismissed.

December 16, 2024
naresh.k

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	Yes