



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

LPA-483-2025 (O&M)

Date of Decision: May 19, 2025

The Ludhiana Improvement Trust

.....Appellant

vs.

Permanent Lok Adalat (Public Utility Services) and anr.Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mrs. Kavita Arora, Advocate, for the appellant.

Mr. Vineet Sehgal, Advocate,
for respondent No. 2/Caveator.

SUDEEPTI SHARMA J.

1. The present Letters Patent Appeal under Clause-X of the Letters Patent Act, is preferred by the appellant-Trust challenging judgment dated 25.11.2024 passed by learned Single Judge of this Court in CWP No. 31146-2024, whereby learned Single Judge dismissed the writ petition filed by appellant against award dated 14.05.2024 passed by respondent No. 1-Permanent Lok Adalat (Public Utility Services), Ludhiana.

2. Brief facts of the case are that appellant-Trust floated a self-financed scheme known as Bhai Randhir Singh Nagar Scheme, Ludhiana (550 acre development scheme), in the year 1999. Applications were invited from the general public for allotment of various categories of flats including Super Delux Flat(s). One Smt. Balbir Kaur, widow of late Sh. Surjeet Singh had applied for a flat and was successful in the draw of lots held on 10.09.1999



whereupon, a Super Delux Flat No.44, 4th floor, in the said Scheme, was allotted to her, vide allotment letter dated 08.10.1999 with a tentative cost of Rs.12,50,000/-. As per the letter of allotment dated 08.10.1999, an allottee was required to make payment in installments as per the schedule mentioned therein from the year 1999 till the year 2002. The allottee Smt. Balbir Kaur, however, submitted a request to the appellant- Trust for change of her flat from 4th floor to the ground floor in view of her old age and her health. Keeping in view her request, the same was allowed by the Improvement Trust, on humanitarian ground, vide resolution No. 27 dated 22.05.2000. Approval was also granted by the Government for exchange of said flat on 11.12.2000 and a fresh letter of allotment dated 12.12.2000 was issued and Flat No.3 on Ground Floor under the Scheme was allotted to Smt. Balbir Kaur in exchange of Flat No.44, subject to an additional amount of Rs.1,00,000/- towards differential cost of flat. Thereafter, an agreement to sell was executed with the appellant- Trust on 18.03.2002. The allottee i.e. Smt. Balbir Kaur, however, died on 02.02.2003 and her daughter Smt. Baljinder Kaur sought transfer of the above flat in her name on the basis of a registered Will executed in her favour by her mother. However, there were two more legal heirs, namely Sh. Rajdeep Singh and Sh. Narinder Singh sons of Smt. Balbir Kaur. Hence, the appellant- Trust sought verification of the complete record and asked Smt. Baljinder Kaur to provide affidavit/certificate to the fact that she was the sole legal heir of Smt. Balbir Kaur. A request letter dated 27.04.2006 was thereafter submitted by Smt. Baljinder Kaur in response to the same seeking transfer of the flat in her name. However, before actual transfer of the flat in her name, Smt. Baljinder Kaur died on 01.07.2006. Her husband Sh. Kanwar Jagdeep Singh submitted a request for transfer of the flat in his



name, vide letter dated 22.01.2010. The request however remained pending since he was a Class-II heir.

3. Subsequently one Sh. Harmandeep Singh son of Smt. Baljinder Kaur also submitted an application for transfer of the said flat on 24.05.2018 in favour of all the legal heirs of Smt. Baljinder Kaur. Apart from the aforesaid claim for transfer of the flat in their respective names, one Smt. Damini Sharma wife of Sh. Harish Sharma @ Haarish Vats, also submitted an application seeking transfer of the said flat in her name on the basis of a registered Will dated 20.01.2004 executed by Smt. Baljinder Kaur in her favour, which was allowed vide award dated 14.05.2024.

Feeling aggrieved against the same, the appellant preferred CWP No. 31146-2024 and the same was dismissed. Hence the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

4. Learned counsel for appellant-Trust contends that learned Single Judge has erred in law in dismissing the writ petition filed by Appellant-Trust by affirming award dated 14.05.2024 passed by respondent No. 1- Permanent Lok Adalat (Public Utility Service), Ludhiana. She further contends that the flat was allotted by appellant-Trust originally to the allottee Balbir Kaur in Bhai Randhir Singh Nagar Scheme where a Society namely Swami Vivekanand Society was formed by residents of the Society for the welfare of the residents. The Society was only responsible for upkeep and maintenance of the area/flats and accordingly charged and collected maintenance charges from the residents of the society. Learned counsel submits that the society is not vested with any power to transfer flats and it is only the trust who is empowered to transfer flats. NOC was required to be taken from the Society in respect of the charges at the time of transfer of any flat and merely because the Society gave NOC to respondent No. 2-Harish Sharma @ Haarish Vats,



does not entitle it to grant transfer certificate since authorization to transfer the flats only rests with the Trust.

5. Per contra, learned counsel for respondent No. 2 submits that writ petition filed by appellant has rightly been dismissed by learned Single Judge and thus prays for dismissal of the appeal.

ANALYSIS AND CONCLUSION

6. We have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

7. In the present case, it is not in dispute that flat in question was duly registered in the name of Smt. Balbir Kaur (since deceased), who was the original allottee of the said flat. She before her death bestowed the same in favour of her daughter namely Baljinder Kaur , vide registered will dated 10.12.2002. Thereafter, Baljinder Kaur entered into an agreement to sell on 20.01.2004 with Damini Sharma w/o (Harish Sharma @ Haarish Vats-respondent No. 2). The entire consideration amount in lieu of agreement to sell dated 20.01.2004 was duly paid by respondent No. 2-Harish Sharma @ Haarish Vats. Further, Smt. Baljinder Kaur also executed a registered will dated 20.01.2004 and in part performance of the above agreement to sell dated 20.01.2004, physical possession of the above flat was also given whereas the actual transfer of ownership of the above flat on record could not take place due to lack of probate of will executed by Smt. Balbir Kaur in favour of Smt. Baljinder Kaur. Ultimately, transfer of flat in favour of Smt. Baljinder Kaur took place in the year 2009 in the records of the Improvement Trust and for the said flat, probate was also granted to all the legal heirs of Smt. Baljinder Kaur in the year 2011 in the petition filed by Sh. Harmandeep Singh (legal heirs of Smt. Baljinder Kaur) under Section 276 of the Indian Succession Act, 1925. There was proper publication of said proceedings as well. Further,



execution of agreement to sell as well as will executed by Smt. Baljinder Kaur in favour of Damini Sharma wife of respondent No. 2-Harish Sharma @ Haarish Vats was never disputed by any of the parties.

8. Damini Sharma was having a matrimonial dispute with her husband and a decree of divorce by way of mutual consent was granted and on account of a settlement arrived at between her and her husband, she surrendered her rights in the flat in question and gave the ownership right to her husband (Harish Sharma @ Haarish Vats). As the trust was not ready to transfer the flat in question, Harish Sharma @ Haarish Vats approached the Legal Services Authority by filing an application under Section 22 (c) of Legal Services Authorities Act, 1987 seeking transfer of the flat in question in his name. The case was then referred to the Permanent Lok Adalat, where both the parties appeared and on the basis of their respective submissions and consent, the application was allowed and a direction was given to the Trust to transfer the flat in question in favour of Harish Sharma @ Haarish Vats.

9. In these circumstances, insistence by appellant-Trust on a further publication or public notice prior to transfer of the property to Smt. Baljinder Kaur (since deceased) is wholly unwarranted and illogical. The transfer in favour of Baljinder Kaur (since deceased) was already effected in the year 2009. Furthermore, requirement for public notice had been adequately fulfilled by the probate court at the relevant time through publication in newspapers. Therefore, any fresh insistence on issuing notices to siblings of Smt. Balbir Kaur (since deceased) is unjustified, particularly when they were aware of the proceedings.

10. It is apparent that such procedural insistence is being used not in furtherance of justice, but rather as a mechanism to delay the rightful transfer of ownership to respondent No. 2, who is legally entitled to the property. The



entire chain of documents, including Wills, probate orders, and public notices, completely establish the lawful transfer of title and leave no room for doubt or further procedural requisites.

11. All relevant aspects have already been considered and adjudicated by the competent authorities. Therefore, the undue reliance on procedural technicalities, such as an additional publication, is not necessary or warranted under the facts and circumstances of the present case.

12. In light of the above discussion and reasons, this Court finds no illegality, perversity, or impropriety in the award dated 14.05.2024 passed by the Permanent Lok Adalat (Public Utility Services), Ludhiana, which was affirmed, vide judgment dated 25.11.2024 passed by the learned Single Judge of this Court.

13. No other argument was addressed.

14. Accordingly, the present appeal is dismissed.

15. All the pending application(s), if any, also stand disposed of.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

May 19, 2025
Gaurav Arora

Whether speaking/reasoned : Yes
Whether reportable : Yes