



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

246

CR-3975-2018 (O&M)

Date of Decision : 25.02.2025

SHADI PURI

.... Petitioner

VERSUS

HARYANA URBAN DEVELOPMENT AUTH. & ORS Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Yagsimant Attri, Advocate for
Mr. Rajinder Goyal, Advocate for the petitioner.

Mr. Vaneet Soni, Advocate for
Mr. Deepak Sabherwal, Advocate for respondents No.1 and 2.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 03.10.2017 (Annexure P-1) passed by the learned Additional District Judge, Kaithal whereby the application filed by the plaintiff-petitioner herein for condonation of delay of 377 days in filing the appeal was dismissed and consequently the appeal was also dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-petitioner herein filed a suit for declaration to the effect that his father was owner in possession of land measuring 19 Kanals 12 Marlas as detailed in the plaint. The land was alleged to have been acquired by the defendant-respondents for setting up Mandi Township, Pundri. The landowners filed civil writ petition in the year 1982 wherein the defendant-respondents were

directed to frame a policy for the allotment of plots to those whose land had been acquired. It was further stated that the plaintiff-petitioner had applied for allotment being an oustee, however, his application was rejected vide memo No.979 dated 17.03.2006.

3. The suit was contested by the defendant-respondents wherein it was pleaded that the plaintiff-petitioner had failed to deposit 10% earnest money along with his application which was mandatory. Reliance was placed on the order passed by this Court in CWP-13548-2001 titled as 'Bhag Singh and others V/s HUDA and others' wherein it was held that such oustees who have not deposited the earnest money along with their applications have no legal right to claim allotment of plots. It was further the case that, even otherwise, the plaintiff-petitioner was not entitled to allotment as 75% or more of his land was not acquired as per the terms and conditions of the policy. It was further the pleaded case that the policy was modified in the year 1993 and the benefit of oustee's policy was not to be given to those oustees who have got residential/commercial plots from HUDA in the Urban Estate. It was further the stand taken that the claim of the plaintiff-petitioner was denied by the Committee and rightly rejected.

4. The Trial Court vide judgment and decree dated 30.09.2015 dismissed the suit of the plaintiff-petitioner. An appeal was preferred by the plaintiff-petitioner on 11.11.2016 along with an application for condonation of delay of 377 days in filing the appeal. In the application for condonation of delay the only reason given was that the plaintiff-petitioner was 70 years of age and a rustic villager and hence he did not know about the passing of

the judgment and decree dated 30.09.2015 till about a week prior to the filing of the appeal. Since no cogent reason was given in the application for condonation of delay, the application as well as the appeal was dismissed by the First Appellate Court. Hence, the present revision petition by the plaintiff-petitioner.

5. Learned counsel for the plaintiff-petitioner would contend that the plaintiff-petitioner was not aware of the passing of the judgment and decree dated 30.09.2015 and hence the appeal could not be filed in time.

6. *Per contra*, learned counsel for respondents No.1 and 2 would contend that before the Trial Court the plaintiff-petitioner was duly represented by counsel and there is no reason forthcoming as to why the counsel did not inform the plaintiff-petitioner qua the passing of the impugned judgment and decree.

7. Heard.

8. In the present case the reason given in the application for condonation of delay of 377 days in filing the appeal is that the plaintiff-petitioner being an old and rustic villager was not conversant with the law and that he came to know about the impugned judgment and decree dated 30.09.2015 only a week prior to the filing of the appeal along with an application for condonation of delay. A perusal of the application, which has been appended with the present revision petition as Annexure P-2, reveals that it is not even the case of the plaintiff-petitioner that he was not informed about the outcome of the suit by his counsel. Only a bald statement has been made that the plaintiff-petitioner came to know about the impugned

judgment and decree dated 30.9.2015 only a week prior to the filing of the appeal. Before the First Appellate Court neither the earlier counsel nor Mr. Rajiv Goswani, Advocate, who is stated to have informed the plaintiff-petitioner of the passing of the impugned judgment and decree dated 30.09.2015, appeared in the witness box. In the absence of any evidence having been led by the plaintiff-petitioner, no fault can be found with the impugned order passed by the Court(s) concerned.

9. In view of the above, I do not find any merit in the present revision petition and the same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

25.02.2025

Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No