

Harjit Kaur And Ors. vs State Of Punjab And Ors. on 30 April, 1998

Equivalent citations: JT1998(9)SC152, (1998)9SCC691, AIRONLINE 1998 SC 116, 1998 (9) SCC 691, (1999) 1 CUR LJ (CIV&CRI) 417, (1999) 1 CURLJ(CCR) 417, 2000 (9) SCC 506, 2001 SCC (CRI) 637

Bench: V.N. Khare, M. Srinivasan

ORDER

1. The appellants are Plaintiffs 4 to 7 in Civil Suit No. 134 of 1997 which was filed in the Court of the learned Senior Sub-Judge, Ludhiana. We need not trace the history of the case. The High Court, while dealing with their case, opined thus; "Case of Plaintiffs 4 to 7 is based upon the sale deed alleged to have been executed by Smt Sahib Devi in favour of one Sarwan Singh, predecessor-in-interest of these plaintiffs and suffering a decree by her in his favour. The writ petitioner has placed on record a death certificate issued by Chief Registrar (Birth and Death), Annexure P-10, wherein her date of death is recorded as 13-8-1963. Basis of the claim of these plaintiffs is the sale deed dated 24-11-1958 and the judgment and decree of the civil court dated 16-3-1964. This latter document, i.e., the judgment and decree dated 16-3-1964 becomes doubtful in view of death certificate Annexure P-10 dated 13-8-1963. Counsel for the respondent made an oblique reference to the pendency of the suit allegedly having been filed by legal heirs of Smt Sahib Devi against the successor-in-interest of Sarwan Singh, Plaintiffs 4 to 7. Thus, their claim is again subject-matter of adjudication before the civil court. So, till such time this dispute is resolved, i.e., whether Smt Sahib Devi bona fide executed a sale deed in favour of Sarwan Singh or somebody else appeared on her behalf (as alleged by the contesting respondents) no immediate relief can be given to these plaintiffs as has been done in case of Plaintiffs 1 to 3. In case the plaintiffs ultimately succeed in proving the due execution of the sale deed in favour of Sarwan Singh as well as the decree allegedly suffered by Smt Sahib Devi in favour of Sarwan Singh, their case may also be examined by Defendant 2 and appropriate relief be granted like other oustees of Dholewal Village, i.e., conferring of ownership rights in respect of land as per their entitlement."

2. We are informed that the dispute between the appellants and the heirs of Smt Sahib Devi has since been resolved by a compromise decree passed by the learned Civil Judge, Junior Division, Ludhiana on 28-9-1996. Since the dispute between the appellants and the heirs of Smt Sahib Devi has now been resolved by a compromise decree, it is for the appellants, as directed by the High Court (supra), to approach the Chief Sales Commissioner under the Package Deal Properties (Disposal) Act, 1976, (Defendant 2) for appropriate relief. On being so approached by an application, Defendant 2 shall grant relief to the appellants in the same manner as has been granted to the other oustees of Dholewal Village on whom ownership rights had been conferred in lieu of the land left by them in Dholewal Village and as per their entitlement as determined by the civil court in the compromise decree. The learned Chief Sales Commissioner shall decide the question of grant of relief on the basis of the compromise decree, after hearing all necessary parties. The learned Chief

Sales Commissioner shall dispose of the matter within six months from the date on which an application is filed before him by the appellants.

3. The appeals are disposed of in the above terms. No costs.