

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1332 OF 2010
(Arising out of SLP (Civil) No.8758/2009)

SUSHILA DEVI

Appellant

VERSUS

UNION TERRITORY, CHANDIGARH & ORS.

Respondents

O R D E R

Leave granted. Heard the Learned counsel for the parties.

2. The appellant was allotted a plot in 1971 which was resumed in the year 1980 on the ground of 'misuse'. According to respondents instead of using it for a printing press, the appellant was using it for a tent house.

3. The appellant filed a revision against the order of resumption. The Revisional Authority allowed the revision by order dated 14.2.2007 and directed restoration of the plot subject to two conditions. First was removal of the misuse by 1.4.2007. The second was to deposit of 10% of the forfeiture amount viz. Rs.2650/- by 1.4.2007.

4. The appellant stopped to misuse by 1.4.2007 as directed. Being 80 years old and sick could not deposit the sum of Rs.2650/- by 1.4.2007 but sent

2

the amount by demand draft on 18.6.2007. The respondents refused to accept the demand draft on the ground that the amount has not tendered in time. The appellant approached the Revisional Authority for extension which was refused. The writ petition filed

by the appellant has also been dismissed.

The said

order is under challenge.

5. While it is true that the Revisional Authority had directed that the sum of Rs.2650/- should be deposited by 1.4.2007, the appellant has explained the reasons for the delay in tendering it. On the facts and circumstances, we are of the view that the Revisional Authority and the High court ought to have exercised their discretion in extending the time.

6. We, therefore, allow this appeal, set aside the order of the Revisional Authority and the High Court and extend the time for deposit. The appellants will now deposit a lump sum of Rs.4000/- which includes the sum of Rs.2650/- plus interest and other charges within a period of one month from today. It is needless to say that on such deposit, the plot should be restored to the appellant in terms of the order of the Revisional Authority.

3

.....J.

[R.V. RAVEENDRAN]

NEW DELHI
FEBRUARY 01, 2010

.....J.
[K.S. RADHAKRISHNAN]

ITEM NO.52

COURT NO.4

SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8758/2009

(From the judgement and order dated 25/09/2008 in CWP No. 16303/2007 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SUSHILA DEVI

Petitioner(s)

VERSUS

(With appln(s) for permission to place addl. documents on record and prayer for interim relief and office report)

Date: 01/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Mr. S.K. Bagga, Sr.Adv.
Mrs. Sureshta Bagga, Adv.

For Respondent(s) Mr. Gopal Singh, Adv.
Mrs. Vimla Sinha, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order setting aside the order of the Revisional Authority and the High Court and extend the time for deposit. The appellants will now deposit a lump sum of Rs.4000/- which includes the sum of Rs.2650/- plus interest and other charges within a period of one month from today. It is needless to say

4

that on such deposit, the plot should be restored to the appellant in terms of the order of the Revisional Authority.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master

(Signed order is placed on the file.)