

Kashmir Chand

Vs

Financial Commissioner, Haryana and Others

Civil Appeal No. 9753 of 1996

(K. Ramaswamy, G. B. Pattanaik JJ)

15.07.1996

JUDGMENT

1. Leave granted.
2. We have heard learned counsel on both sides.
3. Admittedly, the plot was sold in an open auction held in July 1971 for a sum of Rs 46,000. The appellant has paid only Rs 11,500. He was due for the balance sum of Rs 34,500. In terms of the auction, he had not complied with the payment for well over 21 years. Consequently, he was demanded payment of a sum of Rs 3,78,000 which he defaulted to pay. When allotment was sought to be cancelled he, calling that action in question, filed a writ petition in the High Court. Pending writ petition, the High Court passed an order in a civil miscellaneous case. Therein the appellant had asserted that he had deposited the sum of Rs 34,500 on 21-9-1992. The Court found that in case the said amount of Rs 34,500 was deposited, as contended by the appellant, the balance amount of Rs 3,43,500 was directed to be deposited but he had not done. Consequently, the writ petition was dismissed and an appeal in the impugned order in MPA No. 355 of 1993 dated 19-8-1993, the order of the learned Single Judge was confirmed.
4. Though time was taken for filing the counter, the same was not filed by the respondents. It is stated by Shri K. B. Rohtagi, the learned counsel for the appellant, that his client had already deposited two instalments of the amount with interest @ 12% and one instalment is due. We prima facie accept the statement of the counsel to be correct. In case those payments have already been made, the appellant is given liberty to pay the balance amount within a period of 4 months from today. In case he has not already deposited or if he commits default in payment of the amount as directed, this order would stand vacated and the order of the High Court would stand restored.
5. The appeal is accordingly disposed of. No costs.