

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

-.-

Civil Revision No. 7775 of 2015

Date of decision : 20.11.2015

Ramesh Kumar Garg

... Petitioner

versus

Municipal Corporation and others

... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Arun Bansal, Advocate, for the petitioner.

RITU BAHRI, J. (Oral)

The petitioner has come up in the revision against the order dated 26.10.2015, passed by Civil Judge (Junior Division), Ludhiana, whereby an application for framing of additional issues has been dismissed. The plaintiff-petitioner had filed the suit for grant of mandatory injunction restraining defendant No.1-respondent No.1 from demolishing the construction raised for commercial purposes by defendant No.2.

On notice, the defendants have filed written statement in which they stated that they have not raised any construction which has not been sanctioned by the Municipal Corporation.

On 02.08.2007, following issues were framed:-

1. Whether the plaintiff is entitled to mandatory injunction as prayed for? OPP
2. Whether the plaintiff is entitled to permanent injunction as prayed for?OPP
3. Whether the suit is barred U/s 396 of PMC Act? OPD
4. Whether the plaintiff has got no locus standi to file the present suit?OPD
5. Relief.

On issue No.1, the plaintiff has already led his evidence. Learned counsel for the plaintiff-petitioner has stated that municipal corporation in its written statement has placed on record sanctioned plan of the building in dispute, meant for the residential purposes. Learned counsel further states that information with regard to the electricity bill and sales tax department, which were issued in the name of defendants-respondents for the commercial purposes would be necessary for the adjudication of the case.

Keeping in view the facts and circumstances of the case, I am of the opinion that the trial Court has rightly dismissed the application by stating that the additional issues sought to be framed cannot be framed at the final stage. Hence, this petition is dismissed. However, petitioner will be at liberty to file a suitable application for additional evidence, if any, in rebuttal.

November 20, 2015
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(RITU BAHRI)
JUDGE