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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 29.02.2016

1. CR-3175-2014 (O&M)

Municipal Corporation, Yamuna Nagar and another

...Petitioners

Versus

Ishika Jindal

...Respondent

2. CR-3213-2014 (O&M)

Municipal Corporation, Yamuna Nagar and another

...Petitioners

Versus

Amit Jindal

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Jatinder Nagpal, Advocate
for the petitioners (in both the petitions).

Mr. Karan Vir Singh Khehar, Advocate
for the respondent (in both the petitions)

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of two petitions bearing **CR**

No.3175 of 2014 titled as ***“Municipal Corporation, Yamuna Nagar and***

another V/s Ishika Jindal” and CR No.3213 of 2014 titled as “Municipal Corporation, Yamuna Nagar and another V/s Amit Jindal”.

The petitioners-defendants are aggrieved of the impugned order dated 25.10.2013, whereby the matter on the basis of the statement suffered by the Clerk of the Municipal Corporation, Yamuna Nagar, had been compromised.

Learned counsel for the petitioners-defendants submits that no authority was given to the officer to make such statement, even if, there is some passing reference in the written statement. In view of the unauthorized statement of the Clerk, Municipal Corporation, Yamuna Nagar, the respondent(s)-plaintiff(s) had withdrawn the suit, whereas a valuable right had accrued in favour of the petitioners-defendants.

Mr. Karan Vir Singh Khehar, learned counsel appearing on behalf of the respondent(s)-plaintiff(s), submits that the revision petition is not maintainable, remedy, if any, for the petitioners-defendants is to move an appropriate application under Order 23 Rule 3-A of the Code of Civil Procedure in the same Court, which allegedly recorded the compromise.

I have heard the learned counsel for the parties and appraised the paper book and of the view that without any power or instructions, Clerk of the Municipal Corporation, Yamuna Nagar, cannot press the statement, the remedy, if any, is to recall the order by filing an application duly supported by an affidavit, not in the manner and mode adopted, which has been challenged in the order.

In view of what has been noticed above, the revision petitions are dismissed with the liberty to the petitioners-defendants to move an appropriate

application in accordance with law.

With the aforesaid observations, the revision petitions are dismissed.

29.02.2016
yogesh

**(AMIT RAWAL)
JUDGE**