

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.4787 of 2016 (O&M)
Date of Decision.19.08.2016

Ashu Chadha

.....Petitioner

Vs.

Gurcharan Singh and others

.....Respondents

Present: Mr. D.K. Bhatti, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the dismissal of the application filed under Order 1 Rule 10 CPC in the proceedings initiated under Section 269 of the Punjab State Municipal Corporation Act.

Mr. D.K. Bhatti, learned counsel for the petitioner submits that Gurcharan Singh, respondent-appellant, had filed an appeal against the order dated 10.07.2015 passed by Senior Town Planner, Jalandhar on the basis that the complaint was moved by the petitioner and therefore, the presence of the petitioner would be necessary for adjudication of the aforementioned *lis*. The Court below has not appreciated this fact and dismissed the application erroneously.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the order passed by the Additional District Judge, dismissing the application is perfectly legal and justified, for, once on the basis of complaint, the concerned regulating authority has taken action in accordance with law, it will be taken to its logical end and the presence of the complainant in such case, in my view, would not be

parties are already at loggerheads and would move themselves in further litigation. In fact the doctrine akin to lis pendens is also applicable in such cases.

I do not find any ground is made out for interfering with the order under challenge, much less, the order cannot be said to be passed without jurisdiction. The impugned order is maintained and the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

August 19, 2016
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No