

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

**C.R. No.6129 of 2016 (O&M)
Date of Decision.19.09.2016**

Ajay Singh Gahlawat

.....Petitioner

Vs.

Municipal Council and another

.....Respondents

Present: Mr. Mrigank Sharma, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

The petitioner-plaintiff is aggrieved of the impugned order dated 10.03.2016 whereby the application seeking recalling of the order dated 10.02.2012 whereby the civil suit bearing No.61/12 at his instance seeking permanent injunction was dismissed as withdrawn. The Court has dismissed the application on the ground that the contempt petition qua interim injunction is stated to be pending which had not been complied with in terms of the undertaking given by the officers of the Municipal Corporation.

I am of the view that the Court below ought not to have dismissed the application as no purpose would be served by wasting the time in keeping the *lis* in the suit pending instead the Court below should have call for the parties to lead evidence by restoring the suit on file.

The order passed by the Court below is set aside and the application for recalling of the order dated 10.02.2012 is allowed. Resultantly, the suit is ordered to be restored on file. The revision petition stands allowed.

**(AMIT RAWAL)
JUDGE**

September 19, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No