

223.

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

Civil Revision No.8849 of 2014 (O&M)

Date of decision: 11.05.2016

Municipal Corporation Faridabad

... Petitioner

versus

Banwari (deceased, through his LRs) and others Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Arvind Seth, Advocate,
for the petitioner.

Mr. Atul Lakhanpal Senior Advocate,
with Mr. R.S. Chahal, Advocate,
for the respondent.

K.Kannan, J. (Oral)

1. The Municipal Corporation has been set ex parte in a matter relating to a right to immovable property. Both the courts below have not found adequate reasons why the defendant was not present and drawn adversely against the conduct of the Municipal Corporation.

2. While I will not find anything substantial to dislodge the finding that there was no sufficient cause, the matter relates to a right to a property claimed by the tenants as having obtained occupancy rights, while the Corporation pleads that no such vesting has taken place. Having regarding to the fact that the case relates to

claim of immovable property, I am of the view that there shall be an opportunity given for the full-fledged contest. The orders already passed are set aside on condition that the Corporation pays ₹10,000/- costs within a period of 6 weeks from the date of receipt of copy of this order in favour of the respondents. If the amount is not paid as directed, the order already passed will remain.

3. Civil revision is allowed on the above terms.

(K.KANNAN)
JUDGE

11.05.2016
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