

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

CR No. 1942 of 2015

Date of Decision: 25.10.2017

M/S VIPUL LIMITED

-PETITIONER

VS

SUBHASH AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjay Vij, Advocate,
for the petitioner.

Mr. Ajay Bhardwaj, Advocate,
for respondents No.1,2,4,5,7 and 8.

Mr. Deepak Sabharwal, Advocate,
for HUDA.

RAJ MOHAN SINGH, J. (ORAL)

During course of arguments, it has come to fore that the suit filed by plaintiff-respondent No.1 has been decreed by the trial Court vide judgment and decree dated 04.09.2017.

On 27.11.2015, following order was passed in the present revision petition:-

“Counsel for HUDA is directed to take instructions whether any provision can be made for concealing the flow of water through drain pipes and ensure that there is no inconvenience caused by open drain flowing on the defendant's property.

The Gurgaon Municipal Corporation is impleaded as a party suo motu, since the relief in the suit addresses a public right of taking water through the defendant's property and it would require to be elicited whether any protection can be given for concealing the flow and ensure that there is no inconvenience caused to the defendants in the process.

Adjourned to 01.02.2016.”

Perusal of the aforesaid order shows that Municipal Corporation, Gurgaon was impleaded as party respondent in the present revision petition by exercising *suo motu* powers of the Court.

In view of above, Municipal Corporation, Gurgaon is ordered to be impleaded in a pending appeal arising out of judgment and decree dated 04.09.2017 before the Lower Appellate Court at Gurgaon. The Municipal Corporation, Gurgaon would be obligated to work out the solution as per import of order dated 27.11.2015.

Accordingly, this revision petition is rendered infructuous.

Ordered accordingly.

25.10.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No