

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

**RA-CR No. 98-CII of 2017 (O&M)  
in COCP No. 396 of 2014  
Date of Decision: 23.08.2017**

Freedom Park Life Apartment Owners Association

..... Applicant/Petitioner

**Versus**

Kabul Chawla and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Pooja Aganpal, Advocate  
for the applicant-petitioner.

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**JASWANT SINGH, J.**

1. This application under order XLVII, Rule 1 read with Section 151 Code of Civil Procedure is filed seeking review of Order dated 30.03.2017 passed by this Court in COCP No. 396 of 2014.

2. The facts, emerging from the pleadings and arguments of counsel are that the petitioner-Association filed CWP No. 22243 of 2012 before this Court seeking issuance of appropriate directions for removal of the unauthorized structures/buildings that had come up on the site in dispute. This Court while issuing notice of motion on 08.11.2012 passed interim order restraining the respondents from creating any 3<sup>rd</sup> party interest in the shops.

3. The petitioner in addition to aforesaid CWP No. 22243 of 2012 filed civil suit and Ld. Civil Judge (Senior Division), Gurgaon vide Order dated 23.12.2013 restrained the respondents from carrying out any fit-outs work in the shops in dispute and further restrained respondents from

creating 3<sup>rd</sup> party rights till the next date of hearing. The Civil Judge (Junior Division), Gurgaon vide Order dated 07.02.2015 allowed application under Order 39, Rule 1 and 2 and granted interim injunction restraining the respondents from taking possession of the shop in dispute during the pendency of the suit.

4. This Court on 25.11.2014 admitted aforesaid CWP No. 22243 of 2012 and while admitting the petition, ordered that further sale of common area shall be subject to the writ petition. The building layout plan, if necessary to be modified in future, shall be revised in terms of the policy dated 28.01.2013.

5. The respondent filed an appeal against the restrained Order dated 07.02.2015 before the Appellate Court and Ld. Additional District Judge, Gurgaon allowed the appeal and vide Order dated 29.05.2015 set aside order of Civil Judge granting injunction.

6. In the integrum, the petitioner preferred COCP No. 396 of 2014 under Section 12 of the Contempt of Court Act, 1971 seeking initiation of contempt against Kabul Chawla and others, alleging violation of order dated 08.11.2012 passed by this court in CWP No. 22243 of 2012. The said contempt petition came up for hearing on 30.03.2017 and on the said contempt petition was dismissed noticing that an application was moved by respondents for vacation of stay order mentioning altogether different facts and it was under the circumstances, the order dated 08.11.2012 was modified. A perusal of Annexure R-1/1 to R-1/3 also reveals that allotment has been done to the concerned parties in the year 2010 and Annexure P-3 only confirms the said allotment by handing over of possession. Meaning

thereby, no alienation has been done during the operation of order dated

08.11.2012.

7. The petitioner has filed present review petition on the ground that order has been passed in the absence of counsel of the petitioner and admission order dated 25.11.2014 of this court in CWP No. 22243 of 2012 has been mis-interpreted to the extent that court has considered sale of common area to the residents and not 3<sup>rd</sup> party.

8. I have perused record of the case as well as arguments of the counsel who strenuously contended that Order dated 30.03.2017 should be reviewed on the grounds as stated in the review petition. This Court does not find any ground to review its order because nothing is brought on record which was not considered by this Court or which was not in the possession of the petitioner and now has come to his knowledge. The scope of review is very limited and grounds pleaded by the petitioner do not warrant recalling of order in question. The petitioner is harping on words “sale of any common area to the residents” but is ignoring further findings “the building lay out plan, if necessary to be modified in future, shall be revised in terms of the policy dated 28.01.2013”. This Court has perfectly dismissed COCP and present application is bereft of merits.

9. In such circumstances, this Court does not find it appropriate to allow review application and accordingly same is **dismissed**.

**August 23, 2017**

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**( JASWANT SINGH )  
JUDGE**

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|----------------------------------|---------------|
| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |