

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

**RA-CR No. 99-CII of 2017 (O&M)
in CR No. 4343 of 2015
Date of Decision: 23.08.2017**

Freedom Park Life Apartment Owners Association

..... Applicant/Petitioner

Versus

Sumit Verma and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

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 *Civil Revision No. 4343 of 2015*.

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 3rd party interest in the shops.

3. The respondents created 3rd party interest in the shops constructed by builders and the petitioner filed COCP No. 396 of 2014 before this Court as well 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 3rd 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 respondents 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. The petitioner filed Civil Revision No. 4343 of 2015 before this Court seeking quashing of Order dated 29.05.2015 passed by Additional District Judge, Gurgaon, which was dismissed on 30.03.2017 on the ground that the petitioner is claiming same relief from two different Courts by invoking two different remedies. This Court vide Order dated 25.11.2014 has modified its earlier order and while admitting writ petition ordered that further sale of common area shall be subject to decision of writ petition. Therefore, no ground is made out to interfere in the impugned order which is based upon correct appreciation of the facts of the case.

7. The petitioner has filed present review petition on the ground that in order under review, the date of impugned order is noted as

the petitioner and their counsel. The counsel for the petitioner further submitted that 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 3rd 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 civil revision and upheld order of Ld. Additional District Judge, Gurgaon. In the second line of my order dated 30.03.2017, the word and figures “07.02.2015” may be read as “29.05.2015”.

9. In such circumstances, this Court does not find it appropriate to allow review petition and accordingly is dismissed, however dismissal of civil petition as well as present application would have no effect on the main suit.

August 23, 2017

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**(JASWANT SINGH)
JUDGE**

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