

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 205 of 2016

Date of decision : May 11, 2018

The Sincere Resident Welfare Association and others

..... Petitioners

Versus

Municipal Corporation Faridabad and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Aditya Jain , Advocate
for the petitioners.

Mr. S. K. Mahajan, Advocate
for respondent No.1.

Mr. Brij Bhushan, Advocate
for respondent No.2.

AMIT RAWAL, J (oral).

The present revision petition is directed against the order dated 21.9.2015 (Annexure P-1) whereby on an application submitted by respondent No.2 (herein) Dr. B.R.Ambedkar Educational Society (Regd.), Faridabad for impleadment as defendant No.2 in the suit filed by the petitioner seeking relief against Municipal Corporation has been allowed.

Learned counsel for the petitioner submitted that the petitioner-plaintiff filed the civil suit Annexure P-2 for permanent and mandatory injunction against Municipal Corporation and that earlier the Park was maintained by the Municipal Corporation and lights and playing equipments for the children were also installed. In the year 2012 the aforementioned lights and playing equipments were removed which gave cause of action to the plaintiff to institute the suit.

The defendant-Municipal Corporation in para 2 of the

preliminary objections stated that the said park was not handed over to any society as alleged by the plaintiff. Respondent No.2 had been impleaded in the suit; but the Park is being maintained by the Municipal Corporation, Faridabad.

On the last date of hearing learned counsel for the petitioners sought time to take instructions whether the plaintiff would be seeking relief viz-a-viz Community Centre or Park, for, the pith and substance of the matter is that grievance of the petitioners is with regard to the Park.

During the course of hearing, he has also brought to the notice of the Court, order dated 15.11.2017 passed in the application filed under Order 39 Rule 1 & 2 CPC wherein on the basis of averments made in the written statement filed by the Municipal Corporation, Faridabad the court below has disposed of the application directing the defendants i.e. MCF to be bound by their statement.

In view of such situation, Mr. Brij Bhushan, learned counsel appearing on behalf of respondent No.2 submits that he has no grievance in view of the statement made by the learned counsel for the petitioner for not pressing claim for Community Centre, therefore, he does not press the application filed under Order 1 Rule 10 CPC. The order dated 21.9.2015 (Annexure P-1) which is under challenge, is set aside.

The revision petition is disposed of in the aforementioned terms.

(AMIT RAWAL)
JUDGE

May 11, 2018

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Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No