

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

Civil Revision No.331 of 2018.

Decided on:-January 18, 2018.

Kamla Devi.

.....Petitioner.

Versus

Municipal Corporation Ballabgarh and another

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Gaurav Gupta, Advocate
 for the petitioner.

HARI PAL VERMA, J. (ORAL)

The petitioner has filed present civil revision petition under Article 227 of the Constitution of India impugning the order dated 25.05.2016 (Annexure P-4) passed by learned Civil Judge (Junior Division), Faridabad, whereby the application filed by respondent No.2 under Order I Rule 10 CPC was allowed and the respondent No.2 was ordered to be impleaded as defendant in the suit.

Learned counsel for the petitioner has argued that the petitioner has filed a suit for permanent injunction as well as mandatory injunction against the defendant Municipal Corporation, Ballabgarh and no relief has been claimed against respondent No.2. Moreover, the civil Court has already granted status-quo order in the said suit vide order dated 15.03.2016. The very object of the respondent No.2 to file the application under Order I Rule 10 CPC is motivated and she is not affected in any manner more particularly when no relief has been claimed against her.

I have heard learned counsel for the petitioner and perused the impugned order dated 25.05.2016 passed by the civil Court.

While moving the application under Order I Rule 10 CPC, the respondent No.2 has made an averment that she is owner in possession of the adjacent plot and the plaintiff (petitioner herein) has constructed a house bearing No.-1/59, Sector 11, DLF, Faridabad without taking sanction from the appropriate authority which includes the municipal corporation without leaving the appropriate area and adhering to the norms prescribed under the Municipal Corporation Act.

Since in the application under Order I Rule 10 CPC, one of the specific averment of respondent No.2 is that the petitioner has constructed basement without leaving the appropriate area and it may adversely affect the building of respondent No.2, the civil Court has rightly allowed the said application. Therefore, this Court finds that there is no illegality or irregularity in the impugned order dated 25.05.2016 passed by the civil Court.

Accordingly, the impugned order dated 25.05.2016 passed by learned Civil Judge (Junior Division), Faridabad is affirmed and the present civil revision petition, being devoid of any merit, is dismissed.

January 18, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No