

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

**RSA-5621-2019 (O&M)
Decided on : 07.12.2019**

Kapil Khanna

. . . Appellant(s)

Versus

Deputy Commissioner-cum-Collector,
Gurgaon and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Pankaj Jain, Advocate
for the appellant(s).

MANJARI NEHRU KAUL, J. (Oral)

CM-15994-C-2019

This is an application for condonation of 235 days delay in re-filing the appeal.

In view of the averments made in the application, which is supported by an affidavit, same is allowed and delay of 235 days in re-filing the appeal is hereby condoned.

CM-15995-C-2019

This is an application for condonation of 19 days delay in filing the appeal.

In view of the averments made in the application, which is supported by an affidavit, same is allowed and delay of 19 days in filing the appeal is hereby condoned.

**CM-15996-C-2019 in/and
RSA-5621-2019**

This is an application under Section 151 of CPC, for allowing

the instant appeal in terms of order dated 20th November, 2019, passed by this Court in CR No. 94 of 2019, titled as, “M/s Metro Valley Business Park Pvt. Ltd. Vs. Municipal Corporation, Gurugram and others”.

Counsel for the applicant-appellant contends that this Court in a bunch of revisions and appeals, has set aside the impugned judgment and decree dated 31.08.2018, passed by the Additional District Judge, Gurugram. The instant appeal has also arisen out of the said impugned judgment and decree of the Court below. He, thus, prays that the instant appeal be also decided in terms of the aforesaid judgment dated 20th November, 2019, of this Court.

Notice of motion.

At this stage, Mr. Rishab Goel, Advocate for Mr. Lokesh Sinhal, Advocate, who is present in Court, accepts notice on behalf of respondents No.1 & 2 and does not controvert the contentions of the learned counsel for the applicant-appellant and pleads no objection to the aforesaid facts.

After hearing learned counsel for the parties, perusing the averments made in the application, which is supported by an affidavit, the same is allowed and the instant appeal is disposed of in terms of order dated 20th November, 2019, passed in CR No. 94 of 2019 and other connected cases. Accordingly, matter is remanded back to the District Judge, Gurugram, with a direction to decide the civil appeal(s) arising out of the judgment and decree of the trial court as well as the application filed under Order 41 Rule 27 of the Code of Civil Procedure afresh, after affording due opportunity to all the parties concerned. The necessary exercise be completed expeditiously. The parties are directed to appear before the

District Judge, Gurugram, on 18.12.2019.

Meanwhile, till the disposal of the appeal(s), the parties are directed to maintain *status quo* with regard to the suit property, so as to avoid the multiplicity of litigation.

(MANJARI NEHRU KAUL)
JUDGE

December 07, 2019

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*