

247

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

**CR No.1174 of 2019
Date of Decision : 27.03.2019**

M/s Blue Leaf Corporation Solution Pvt. Ltd.

Petitioner

Versus

Municipal Corporation, Gurugram and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Deepam Raghava, Advocate
for the petitioner.

Mr. Padamkant Dwivedi, Advocate
for the respondent No.1.

None for respondent No.2 despite service.

AVNEESH JHINGAN, J (Oral):

The present Civil Revision Petition has been filed by the petitioner being aggrieved of (i) order dated 26.09.2018 passed by the Civil Judge (Junior Division), Gurugram [hereinafter referred to as 'the Civil Court'] dismissing the application filed by the petitioner/plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 [for brevity 'CPC']; and (ii) order dated 10.12.2018 passed by the Additional District Judge, Gurugram, upholding the order passed by the Civil Court.

[2] The facts emanating from the petition are that the petitioner/plaintiff entered into a lease agreement with respondent No.2 on 09.04.2016 with regard to residential property No. B-743, Sushant Lok-I, Gurugram (Haryana), which was extended upto 08.04.2017. The monthly rent of the premises was ₹1,50,000/- subject to deduction of tax at source. It has been pleaded that the petitioner was regularly paying the rent, on 07.09.2018, an official of respondent No.1 i.e. Municipal Corporation, Gurugram pasted a notice on the gate of the property concerned for sealing the property on 10.09.2018 as there were outstanding dues of property tax.

A Civil Suit was filed for permanent injunction restraining the defendants and their associates from entering into the peaceful possession of the petitioner/plaintiff over the suit land and from taking the forceful possession and sealing the suit property. In the Civil Suit, an application under Order XXXIX Rules 1 and 2 of CPC was filed for interim relief. The application was dismissed, thereafter, the appeal was also dismissed. Hence the present revision petition.

Notice of motion was issued on 20.02.2019 as learned counsel for the petitioner stated that petitioner would be clearing the outstanding dues of property tax reserving his rights vis-à-vis lessor.

On 18.03.2019, learned counsel for the petitioner stated that outstanding dues of property tax have already been

cleared. Learned counsel for respondent No.1 sought time to verify the same.

Today, learned counsel for respondent No.1 states that there are no outstanding dues and respondent No.1 has received the property tax payable upto 31.03.2019. He further states that there is no cause of action for respondent No.1, as on date, for taking any coercive recovery measures against the property in question.

In view of the statement made by learned counsel for respondent No.1, no protection is required under Order XXXIX Rules 1 and 2 of CPC.

The Civil Revision Petition is disposed of as having been rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

March 27, 2019

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | No |