

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.138 of 2021

Date of Decision: February 18, 2021

Resident Welfare Association of Sector 15 Faridabad

.....Petitioner

versus

Olympians Telecom Infra Pvt. Ltd.

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTALPresent: Mr. Bhisham Kumar Majoka, Advocate
for the petitioner**Sudhir Mittal, J. (Oral)**

The petitioner is aggrieved by order dated 06.01.2021 (Annexure P-4), whereby its application under Order 1 Rule 10 CPC for impleading Municipal Corporation Faridabad and Deputy Commissioner Faridabad has been dismissed.

Learned counsel for the petitioner has submitted that permission for erection of the telecom tower has been granted by the Municipal Corporation Faridabad and the land on which the tower has been erected lies within the limits of the said Municipal Corporation. Thus, the trial Court was in error in dismissing the application.

A copy of the plaint is on record as Annexure P-1. Perusal thereof reveals that the respondent has filed a suit for permanent injunction for restraining the petitioner from interfering in the installation of the telecom tower. Thus, no relief has been sought against either the Municipal Corporation Faridabad or against the Deputy Commissioner Faridabad. Consequently, I fail to understand how they are either necessary or proper parties for decision of the suit. Merely, because the land on which the telecom tower is constructed lies within the limits of Municipal Corporation Faridabad (as per the petitioner) and permission has been granted by the said Municipal Corporation, they do not become necessary or

proper parties for the purposes of the present suit.

The trial Court has dismissed the application on the aforementioned grounds only and I do not find any error in its findings.

The revision petition is accordingly dismissed.

February 18, 2021

Poonam Negi

[SUDHIR MITTAL]

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No