

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

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**CR-2546-2020(O&M)
Date of Order: 10.12.2021**

JOINT COMMISSIONER

..Petitioner

Versus

CHHATAR SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Satyam Tandon, Advocate
for the petitioner.

Mr. Manish Sharma, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

This Bench has heard the learned counsel representing the parties at length.

The Municipal Corporation, Gurugram, assails the correctness of the order passed by the trial Court while dismissing its application under Order 7 Rule 11 CPC. It claims that the plaint is liable to be rejected as the jurisdiction of the Civil Court is barred under Section 261(4) of the Haryana Municipal Corporation Act, 1994. *Prima facie*, the Court has observed that since the order dated 20.07.2020, does not disclose the reasons for rejecting the reply submitted by the plaintiff, therefore, there is violation of principle of natural justice and hence, the Civil Court has the jurisdiction.

Sh. Satyam Tandon, Advocate, has drawn the attention of the Court to the copy of the order dated 20.07.2020. Indeed, the grounds taken by the plaintiff, in its reply, have not been dealt with by the trial Court.

After having argued the matter at sufficient length, the learned counsel representing the parties have arrived at a consensus. The learned counsel representing the Municipal Corporation has stated that the

Commissioner, Municipal Corporation, Gurugram, will pass a fresh speaking order within 10 days from today after granting an opportunity of hearing to the respondent (plaintiff in the suit). He further states that till the fresh order is passed, no coercive steps shall be taken against the respondent.

The learned counsel representing the respondent (plaintiff in the suit) has stated that the suit filed by the plaintiff shall be deemed to have been dismissed as withdrawn, if the Commissioner, Municipal Corporation, Gurugram, passes a speaking order.

Keeping in view the aforesaid consensus arrived at between the parties, the revision petition is disposed of with the following observations:-

- i). The Municipal Corporation, Gurugram, is directed to pass a fresh speaking order after granting an opportunity of hearing to the respondent within 10 days. The respondent is directed to appear before the Commissioner on 14.12.2021, at 10:00 a.m. He shall be at liberty to file a detailed reply along with the requisite document, if any, relied upon, if so advised.
- ii). The suit filed by the plaintiff shall be deemed to have been dismissed as withdrawn in view of the statement given by the learned counsel representing the respondent (plaintiff in the suit).

With these observations, the revision petition is disposed of.

The trial Court is requested to consign the suit to the records.

All the pending miscellaneous applications, if any, are also disposed of.

December 10, 2021

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No