

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

143

2023:PHHC:110296

CR-5709-2022

Date of decision: 23.08.2023

MEERA RANI

..Petitioner

Versus

MUNICIPAL COUNCIL MAUR MANDI

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prince Goyal, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is the plaintiff in a pending suit, wherein, she prays for grant of decree of permanent injunction restraining the Municipal Council, Maur Mandi, from demolishing a godown. In the beginning the location of the godown was not disputed, however, it was disputed by way of an application for permission to amend the written statement as well as counter claim. The Municipal Council has been permitted to allege that the plaintiff has constructed the godown on a parcel of land other than the parcel of land owned by her.

2. This revision petition has been filed challenging the aforesaid order.

3. The learned counsel representing the petitioner contends that the defendant has been permitted to withdraw the admission and, therefore, such an amendment could not be allowed.

4. This Court has considered the submissions of the learned counsel representing the parties.

5. The location of the godown is a matter of evidence. The Court after appreciating the evidence will decide about its exact location. At this

stage, only the defendant has been permitted only to amend the pleadings so as to incorporate their stand which came to their knowledge subsequently. The respondent is an instrumentality of the State and is run by its employees. Moreover, the respondent-Municipal Council is expected to work for the welfare of the public.

- 6. Keeping in view the aforesaid position, no ground to interfere is made out.
- 7. Dismissed accordingly.
- 8. All the pending miscellaneous applications, if any, are also disposed of.

August 23rd, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No