

SAO-81-2015 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SAO-81-2015 (O&M)

Date of Decision: 02nd April, 2024

Municipal Council

... Appellant

V/s.

Naresh Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. M.K. Verma, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

1. This second appeal has been filed by Municipal Council Rewari to challenge the correctness of the First Appellate Court's order remanding the case back to the trial Court for fresh decision. It has been found that the trial Court did not consider vital aspects of the matter. The First Appellate Court further felt perturbed by the stand taken by Municipal Council Rewari and State of Haryana in their joint written statement wherein permission was granted to erect the house on pillars over a street in front of plaintiff's shops. It was also found that the officials of Municipal Committee misused their official powers which resulted in keeping the trial Court in dark. It was also observed that the written statement filed by the Municipal Committee was apparently manipulated.

2. Keeping in view the aforesaid facts, the Court not only

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remanded the matter back to the trial Court but also penalized the Municipal officials who have taken 38 adjournments before the trial Court and 20 hearings before the First Appellate Court with cost of Rs. 60,000/-.

- 3. Keeping in view the aforesaid facts, no ground to interfere.
- 4. Dismissed.
- 5. All the pending application(s), if any, are also disposed of.

02nd April, 2024 (ANIL KSHETARPAL)
Seema JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No