

SAO-18-2023 (O&M) -1-
SAO-39-2023 (O&M)

2025.PHHC.041426



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

Date of decision : 26.03.2025

1. SAO-18-2023 (O&M)

Municipal Corporation, Gurugram ...Appellant

Vs.

Mahesh Kumar and another ...Respondents

2. SAO-39-2023 (O&M)

Municipal Corporation, Gurugram ...Appellant

Vs.

Smt Bhateri and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Samarth Sagar, Advocate
for the appellant(s).**

**Mr. Akshay Jindal, Advocate
for the respondents.**

ANIL KSHETARPAL, J. (Oral)

1. On 24.03.2025, the following order was recorded:-

"These two Second Appeals against the orders passed by the First Appellate Court have come up for hearing. The trial court rejected the plaint on an application filed by the Municipal Corporation, Gurugram under Order VII Rule 11 of the Code of Civil Procedure, 1908, which in appeal has been reversed by the First Appellate Court. The Municipal Corporation, Gurugram claims that two separate suits filed by the plaintiff are not maintainable under Section 261 of the Haryana Municipal Corporation Act, 1994, which excludes the jurisdiction of the civil court. Learned counsel representing the respondents (plaintiffs) submits that before ordering demolition of the property, opportunity of hearing



was not given to the plaintiffs. This Court has considered the submissions made by the learned counsel representing the parties. Two civil suits can be disposed of if the Municipal Corporation, Gurugram grants the plaintiffs an opportunity of hearing. Hence, an offer has been made to the counsel representing the Municipal Corporation, Gurugram, which has been accepted. Learned counsel representing the plaintiffs prays for a short accommodation to seek instructions. He is directed to seek instructions whether the plaintiffs are prepared to withdraw their suits if the Municipal Corporation, Gurugram grants them a fresh hearing. List on 26.03.2025, in the urgent list. No further request for an adjournment shall be entertained. A photocopy of this order be placed on the file of the other connected case."

- 2. Today, after taking instructions from learned counsel representing the parties, the counsels have come to a consensus. They jointly state that the plaintiffs will withdraw both the suits, if Municipal Corporation, Gurugram gives opportunity of hearing to the plaintiffs before proceeding further.
- 3. Learned counsel representing the Municipal Corporation submits that the plaintiffs may appear before the Municipal Commissioner, Gurugram on 02.04.2025 at 10.30 A.M.
- 4. Hence, both the appeals and Civil Suits No. 1139 of 2020 and 1141 of 2020 are disposed of.
- 5. The office is directed to forward a copy of the order to the trial Court for compliance.