



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

SAO-95-2017 (O&M)
Date of decision: 22.04.2025

AMARJEET SINGH (DECEASED) THROUGH LRS.

..Appellant

Versus

GRAM PANCHAYAT GHASOLA THROUGH ITS SARPANCH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhilaksh Grover, Advocate
Mr. Inderpal Singh Arneja, Advocate
Ms. Khushboo Garg, Advocate
for the appellant.

Mr. Prateek Mahajan, Advocate
Mr. Daanish Mahajan, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

I. Brief facts:-

1. The plaintiff through his legal representatives assails the correctness of First Appellate Court's judgment, which in turn has set aside that of the trial Court.

2. The Municipal Corporation, Gurugram filed an application under Order IX Rule 13 of the Code of Civil Procedure, 1908 (in short 'CPC') to set aside ex parte decree, which was dismissed by the trial Court, however, the First Appellate Court allowed the same.

3. In substance, the Municipal Corporation, Gurugram has been given opportunity to contest the suit with respect to the immovable property.

4. The plaintiff filed a suit for declaration claiming ownership over the property located in village Ghasola. The Gram Panchayat, Ghasola was



impleaded as a defendant in the suit. During the pendency of the suit on 02.06.2008, municipal limits of Municipal Corporation, Gurugram were extended and villages Ghasola and Gram Panchayat Samaspur came within the limits of Municipal Corporation, Gurugram. The counsel representing Gram Panchayat, Ghasola made a statement in the Court that he will inform the Municipal Corporation, however, continued to appear for a few dates of hearing. Subsequently, he absented and the suit was decreed ex parte. Subsequently, Municipal Corporation, Gurugram filed an application under Order IX Rule 13 of the 'CPC' while making a prayer for its substitution in place of Gram Panchayat, Ghasola. The trial Court dismissed the same, however, the First Appellate Court has allowed the application.

II. Arguments:-

5. Learned counsel for the appellant contends that Municipal Corporation was required to file application under Order XXII Rule 10 of the 'CPC' and contest the suit. He submits that Municipal Corporation, Gurugram never filed application under Order XXII Rule 10. He submits that Municipal Corporation, Gurugram is also represented by same counsel, who represented Gram Panchayat, Ghasola.

III. Analysis and Discussion:-

6. This Court has considered the submissions of learned counsel for the parties.

7. It is evident that the Court despite having come to know that the property now vests in Municipal Corporation, Gurugram did not issue notice to the Corporation.

8. In cases involving public property, the Courts are expected to be cautious. In any case, when the Corporation filed an application under Order



IX Rule 13, they also made an additional prayer for its substitution in place of the Gram Panchayat, Ghasola. In any case, the First Appellate Court upon appreciation of evidence has considered it appropriate to grant an opportunity to Municipal Corporation, Gurugram to contest the case on merits particularly when the suit is with respect to immovable property. Hence, this Court does not find it appropriate to interfere.

9. The engagement of same counsel by the by the Municipal Corporation, who previously represented the Gram Panchayat, Ghasola would not be sufficient to assume that the notice has been served on the Municipal Corporation, Gurugram.

IV. Decision:-

10. Hence, no ground to interfere is made out.

11. Dismissed.

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

April 22nd, 2025

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**(ANIL KSHETARPAL)
JUDGE**

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