

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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C.M.(M) No.820/2014 and C.M.No.14802/2014 (stay)

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08th September, 2014

RESIDENT WELFARE ASSOCIATION (RWA)Petitioner

Through: None

VERSUS

SOUTH DELHI MUNICIPAL CORPORATION & ORS. Respondents

Through: Ms.Yootika Pallavi, Advocate for R-
1 & 2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. On the first call, a passover was requested on behalf of the petitioner.

On the second call, no one appeared for the petitioner.

2. Challenge by means of this petition under Article 227 of the Constitution of India is to the impugned order dated 22.3.2014 which has allowed an application under Order I Rule 10 of the Code of Civil Procedure, 1908 (CPC) filed by a contra resident welfare association.

3. The disputes in the suit pertain to the rights to use and access the community hall in Vasant Kunj, New Delhi, and with respect to which there

are contesting associations of different residents of the area, and therefore by the impugned order the applicant/association has been allowed to be impleaded as a party.

4. I may note that the respondent no.1 herein, and which was the defendant no.1 in the suit, did not oppose the application. It is the respondent no.1/defendant no.1 which had provided the community hall. Since the issue is with respect to a right to possess the community hall for and on behalf of the residents, if there are disputes as to the representation of the residents, I do not see any illegality that a different association of the residents is allowed to be impleaded as a party in the suit.

5. Dismissed. Parties are left to bear their own costs.

VALMIKI J. MEHTA, J

SEPTEMBER 08, 2014

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