



119 CR-1089-2021(O&M)

ANIL KUMAR SINGH AND ORS VS PIYUSH HEIGHTS RESIDENTS
WELFARE ASSOCIATION AND ORS

Through Video Conferencing

Present: Mr. Apratim Animesh Thakur, Advocate
for the petitioners.

CM-4924-CII-2021

For the reasons recorded in the application, the same is allowed. The names respondents are, hereby, impleaded as the respondents and consequently the amended memo of parties is, hereby, taken on record.

Main case

The learned counsel for the petitioners has submitted that the petitioners are the residents of Piyush Heights and they have filed a suit for injunction against the respondent in view of the dispute which had arisen with regard to the replacing of the meters and re-charging of the same and the learned Civil Judge, Faridabad had passed an injunction order under Order 39 Rules 1 and 2 read with Section 151 CPC in view of the fact that the petitioners had prima facie case in their favour. However, an appeal filed by respondent No.1, learned First Appellate Court, Faridabad had set-aside the order passed by the learned Civil Judge, Faridabad on the ground that even if their meters are replaced, the petitioners would be charged only Rs.7,000/- and, therefore, there is no balance of convenience in favour of the petitioners.

Learned counsel for the petitioners has further submitted that it is not a case of charging of Rs.7,000/- but it is a case where in an

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eventuality that the meters get replaced and interim injunction is not allowed, then the entire suit will become redundant. Further-more, the very power of respondent No.1 to change the meters is itself under challenge before the learned trial Court and, therefore, it was a fit case where injunction should have been granted to the petitioners.

Notice of motion for 22.9.2021.

Dasti as well.

Till the next date of hearing, the operation of the impugned order dated 10.3.2021 passed by the learned Additional District Judge, Faridabad shall remain stayed.

June 08, 2021
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(JASGURPREET SINGH PURI)
JUDGE