

**(2016) 07 DEL CK 0006**

**In the Delhi High Court**

**Case No :** CM APPL. No. 12198 of 2016 in W.P. (C) No. 8582 of 2009

Residents Welfare Association

APPELLANT

Vs

UOI

RESPONDENT

---

**Date of Decision :** 12-07-2016

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Section 151

**Citation :** (2016) 7 ADDelhi 24

**Hon'ble Judges :** Sangita Dhingra Sehgal, C.J. and G. Rohini, J.

**Bench :** Division Bench

**Advocate :** Ms. Mini Pushkarna, Standing Counsel SDMC with Ms. Yoothica Pallavi, Advocate, for the Appellant; Mr. Ajay Verma, Senior Standing Counsel with Mr. Vaibhav Mishra, Advocate, Mr. Devesh Singh, ASC with Mr. Vinod Kumar Bhati, Advocate, for the Respondent

**Final Decision :** Dismissed

---

## **Judgement**

G. Rohini, J.(Oral)&mdash;CM No. 12198 of 2016 in W. P. (C) 8582 of 2009

Present application has been filed on behalf of respondent/SDMC under Section 151 CPC seeking permission to residents of Sunder Nagar Colony to hold social functions in Park/Lawn No. 1 & 4, situated in Sunder Nagar, New Delhi.

2. Learned counsel for the SDMC/applicant submits that corporation has been receiving requests from the residents of Sunder Nagar, New Delhi through Sunder Nagar Association (Regd.) to allow them to hold marriages and social functions in the parks situated in the area due to non-availability of any lawn in the area.

3. Notice was issued in the matter.

4. We have heard learned counsel for the applicant and perused the entire record.

5. In W. P. (C) 8582/2009 titled as Residents Welfare Association and Ors. v. UOI & Ors., this court vide order dated 02.09.2009 passed the following orders:

"Municipal Corporation of Delhi under whose jurisdiction the aforesaid park falls has filed a detailed affidavit in which it has been sated that out of 675 parks under MCD's jurisdiction, only 373 parks were booked for social and marriage functions during the year 2008-2009. In fact, in the said affidavit a chart has been filed indicating as to how many parks were used for how many days for social, cultural and marriage functions during the year 2008-2009. The said chart is reproduced herein below for ready reference.

S. No.

Average Booking days during the year 2008-2009

Number of Parks booked

1.

Zero

302

2.

1

70

3.

2 to 4

86

4.

5 to 10

73

5.

11 to 30

80

6.

31 and above

64

Keeping in view the fact that parks at serial No. 1 to 4 in the aforesaid chart have been used only between on to ten occasions, we direct that these parks shall not be booked/used by MCD for holding marriage and other social and cultural functions beyond 31st December, 2009. Parks at serial No. 5 and 6 will be booked/used by MCD for marriage and other social and cultural functions only

till December, 2014.

Since, in the MCD's affidavit it has been stated that MCD is in the process of construction of additional community halls, the land owing agency i.e. DDA and the financing agency i.e. Government of NCT of Delhi are directed to extend their full cooperation to MCD."

6. As could be seen, the Municipal Corporation of Delhi filed an affidavit dated 01.09.2009 in W. P. (C) 8582/2009 stating that it was in the process of construction of additional community halls and that after construction of the community halls the parks will not be put to use for marriages/social functions. Placing on record the said statement, this court allowed the MCD to use the park for social/cultural functions till December, 2014.

7. We, therefore, do not find any justifiable reason to modify the said order. The application is accordingly dismissed.