

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

**RSA No.3623 of 2010(O&M)
Date of Decision: 04.08.2015**

Daya Nand Senior Secondary School ... Appellant

Versus

Municipal Council, Palwal ... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Yashpal Thakur, Advocate, for
Mr. Adarsh Jain, Advocate,
for the appellant.

Mr. Jatinder Nagpal, Advocate,
for the respondent.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The reasons for non-suiting the appellant are two fold. Firstly, the suit was not maintainable since the society was not registered and therefore, had no right to sue in the name of the society. Secondly, subject matter house tax stands paid to the Municipal Council, Palwal, upto the year 2008. The appellant was unable to secure an interim stay of the house tax demand and has deposited the house tax. The learned District Judge, Faridabad, in his judgment dated 25.9.2009 has recorded that there is no evidence that the tax was paid under protest. If tax was paid willingly and without demur or any reservation then no life remains in appeal warranting interference in the second appeal side of this Court.

Dismissed.

04.08.2015
monika

(RAJIV NARAIN RAINA)
JUDGE