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

**RSA-2291-2013 (O&M)
Date of decision : 10.03.2016**

Municipal Corporation, Gurgaon

...Appellant

Versus

Devender Parkash

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Mohnish Sharma, Advocate
for the appellant.

Mr. S.K. Panwar, Advocate
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

AMIT RAWAL, J. (ORAL)

CM-13095-C-2015

Prayer in this application filed under Order 22 Rules 4 read with Section 151 CPC is for impleading the legal representatives of respondent, namely, Devender Parkash.

For the reasons stated in the application, the application is allowed and the legal representatives of respondent are permitted to be brought on record for the purpose of prosecuting the appeal.

CM stands disposed of.

CM-6252-C-2013

For the reasons stated in the application, delay of 4 days in filing the appeal is condoned.

CM stands disposed of.

RSA-2291-2013

The appellant-defendant is aggrieved of the concurrent findings of fact, whereby the suit of the respondent-plaintiff has been allowed, whereas it has been held that the Municipal Corporation, Gurgaon is entitled to charge the '*teh bazari*' @ ₹ 400/- for a period prior to raising of the demand, which was raised in the year 2008.

Mr. Mohnish Sharma, learned counsel appearing on behalf of the appellant-Municipal Corporation, Gurgaon submits that the assessment was done w.e.f. 1988, in respect of shop measuring 20x20 ft. and respondent-plaintiff did not pay the same and accordingly, the demand was raised in 2008. The appellant-Municipal Corporation, Gurgaon is entitled to charge the same w.e.f. 1988, thus, there is illegality and perversity in the judgment and decree of both the Courts below.

Mr. S.K. Panwar, learned counsel appearing on behalf of the respondent-plaintiff submits that both the Courts below have found that the claim of the appellant-Municipal Corporation, Gurgaon was beyond 3 years, thus, barred by law of limitation, but decreed the suit holding that the Municipal Corporation is entitled to charge for a period of three years, prior to raising of the demand and prays for dismissal of the appeal as no substantial question of law arises for determination.

I have heard the learned counsel for the parties and appraised the

paper book and of the view that there is no illegality and perversity in the judgment and decree of both the Courts below as it is a settled law that claim beyond three years cannot be pressed into service/agitated. Admittedly, the demand was raised in the year 2008 and the trial Court held demand to be valid for a period of three years, prior thereto and set aside the impugned action of the Municipal Corporation, Gurgaon claiming the same w.e.f. 1988, being barred by law of limitation.

Keeping in view the aforementioned facts and circumstances, I do not find any illegality and perversity in the judgment and decree of both the Courts below which is based upon the appreciation of oral and documentary evidences, much less, no substantial question of law arises for determination.

With the aforesaid observations, the appeal is dismissed.

10.03.2016
yogesh

(AMIT RAWAL)
JUDGE