

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

RSA No.5100 of 2016 (O&M)

Date of decision:23.12.2016

Sukhbir Singh

... Appellant

Vs.

Municipal Corporation, Jalandhar

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mrs. Amandeep Soni, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.13254-C-2016

For the reasons stated in the application, duly supported by an affidavit, delay of 23 days in filing the appeal is condoned.

C.M. stands disposed of.

RSA No.5100 of 2016 (O&M)

The appellant-plaintiff is aggrieved of the concurrent findings of facts, whereby, the suit seeking following relief has been dismissed:-

“Suit for permanent injunction restraining the defendant from dispossessing the plaintiff or demolishing the property situated at Kapurthala Road, Jalandhar as mentioned in the notice no.24 E dated 4.12.2008, under Section 243/246 (i) of Municipal Corporation Act, 1976.”

The suit has been dismissed on the ground that notice

challenged was appealable under Section 269 of the Punjab Municipal Corporation Act, 1976.

Learned counsel for the appellant-plaintiff submits that liberty may be granted to file an appeal provided that period of limitation spent before the Courts below be condoned and the finding rendered may not be construed as an expression of opinion on the merits of the matter, in case of filing of such appeal.

In view of the aforesaid prayer made by the learned counsel for the appellant, liberty is granted to the appellant-plaintiff to withdraw the suit and file an appeal accompanied by an application for condonation of delay. In case, such appeal is filed along with an application under Section 14 of the Limitation Act, within a period of one month from the date of receipt of a certified copy of this order, the District Judge-Competent Authority shall consider the application keeping in view the fact that plaintiff had been espousing the cause in the civil Court.

No ground is made out for interference in the impugned judgments and decrees.

Accordingly, the appeal stands disposed of.

(AMIT RAWAL)
JUDGE

December 23, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No