

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 6168 OF 1995

The Administrator, Nashik Municipal Corporation ... Petitioner

Vs.

Sadashiv Deoram Dhurjad ... Respondent

Mr. Rupesh Lanjekar I/b. M.L. Patil, Advocate for the petitioner.

Ms. Priyanka Thakur, Advocate for the respondent.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 12th July, 2018.

P.C.:

Rule. Rule made returnable forthwith. By consent, the Petition is heard finally and decided at the stage of admission.

2. In this Writ Petition, the judgment and order dated 23rd March, 1995 passed by the Vth Additional District Judge, Nashik in Civil Miscellaneous Appeal No. 204 of 1994 confirming the judgment and order dated 30th July, 1994 passed by Joint Civil Judge, Senior Division, Nashik in Municipal Application No. 27 of 1991, is challenged.

3. The petitioner/Nashik Municipal Corporation has assessed the property of the respondent at the rate of Rs.3,870/-. The learned Joint Civil Judge Senior Division, Nashik has partly allowed the

Municipal Application no. 27 of 1991 and fixed the annual letting value of the premises at the rate of Rs.1,800/- per year. The said order was challenged in Appeal before the Additional District Judge, Nashik, who after considering the issue on merit has dismissed the Appeal.

3. The learned Appellate Judge has taken into account the decision in Municipal Appeal No. 391 of 1990 where the premises in the said matter and the premises in the present Miscellaneous Appeal No. 204 of 1994 situate in the same building and having similar area and used for similar purpose. Hence, that was considered as basis for comparison in determining the annual letting value. The premises in a comparable instance was assessed to annual letting value of Rs.1,800/- per year. The annual letting value of the property is maintained.

4. Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)