

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

238

CRM-M-23179-2013
Date of Decision:06.12.2018

Municipal Corporation, Rohtak

...Petitioner

Versus

Anil Arya, DPS School Sector 2 & 3, Rohtak

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Balyan, Advocate
for the petitioner.

Mr. Rakesh Nehra, Advocate
for the respondent.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by Municipal Corporation, Rohtak to challenge the orders dated 19.08.2009 passed by Special Judicial Magistrate Ist Class, Rohtak as well as the order dated 20.01.2012 passed by the learned Sessions Judge in Revisional jurisdiction. The Revisional Court has proceeded to uphold the decision dated 19.08.2009 passed by the learned trial Court, whereby claim of the petitioner-Municipal Corporation, Rohtak for recovery of house tax under Section 95 of the Haryana Municipal Act, 1973 was declined by relying upon the decision of this Court delivered in CWP No.3537 of 2004 titled as *Digamber Jain Society Versus State of Haryana and other.*

On 30.08.2013, the following order was passed:-

*“Learned counsel for the petitioner inter alia
contends that the Courts below has placed reliance upon*

Digamber Jain Society Versus State of Haryana and

***other 2006(2) PLR 421.** Petitioner's counsel further contends that judgment of Digamber Jain Society (supra) has also been challenged in the Supreme Court and tagged with **Civil Appeal No.341 of 2006,** pending in Hon'ble Supreme Court.*

Notice of motion for 26.11.2013.”

Learned counsel appearing on behalf of the petitioner has produced a copy of the order dated 30.07.2015 of Hon'ble Supreme Court to submit that Civil Appeal No.3048 of 2006 filed by the Municipal Corporation against the decision in CWP No.3537 of 2004 titled as *Digamber Jain Society Versus State of Haryana and other*, stands dismissed.

This fact is not disputed by the counsel opposite.

In view of the above, it is clear that the case is covered by the decision rendered in **Digamber Jain Society Versus State of Haryana and other 2006(2) PLR 421.**

No interference is called for.

Dismissed.

06.12.2018
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(MANOJ BAJAJ)
JUDGE

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