

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Second Appeal No.33 of 2010 and

M.P.No.1 of 2010
(Heard through video conferencing)

Thiruverkadu Municipality,
Rep. By its Executive Officer,
Having its Office at Thiruverkadu,
Chennai - 600 077.
Ambattur Taluk.Appellant/Defendant

Vs

Central Government Employees
Residential Complex Society,
(Kendriya Vihar) Rep. By
Its President,
Having its Office at Community Centre,
"Kendriya Vihar",
123, Poonamallee High Road,
Velappanchavadi,
Chennai - 600 077.
Ambattur Taluk.Respondent/Plaintiff

Prayer:- This Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree dated 31.07.2009 made in A.S.No.28 of 2007 on the file of the Subordinate Court, Poonamallee confirming the judgment and decree dated 30.11.2005 made in O.S.No.71 of 2001 on the file of the District Munsif, Poonamallee.

For Appellant : No Appearance
For Respondent : Mr. Joseph Stalin for
M/s.V.Raghavachari

JUDGMENT

The assessment of tax levied by the Town Panchayat for the flats owned by the plaintiff association members was challenged in the suit to declare it as null and void and arbitrary. The appellant is the defendant and the respondent is the plaintiff in the suit.

2.Both the Courts below after considering the facts have held in favour of the plaintiff association. Against the concurrent finding, the Municipality has preferred the present Second Appeal wherein, for the first time, the question of jurisdiction of suit has been raised.

3.This Court finds that the appellant Municipality has not raised this plea of jurisdiction before the trial Court and had participated in the trial without any reservation. Now, after loosing the case before the Courts below has taken up the plea which in view of this Court is not sustainable. Hence, the Second Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Subordinate Court,
Poonamallee.

2.The District Munsif,
Poonamallee.

+1cc to M/s.V.Raghavachari, Advocate in SR.27118

S.A.No.33 of 2010

सत्यमेव जयते

GP (CO)
RV (14/09/2020)

WEB COPY