

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

RSA-1628-2020(O&M)

Date of decision: 03.12.2020

Gurdeep Singh through its GPA

.....Appellant

Versus

Daman Kochar alias Daman and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Pankaj Maini, Advocate for the appellant

ANIL KSHETARPAL, J. (ORAL)

The defendant-appellant is in the Regular Second Appeal against the concurrent finding of facts arrived at by the Courts below decreeing the suit filed by the plaintiffs-respondents for recovery of Rs.7,56,000/- alongwith_interest at rate of 6% per annum during the pendency of the suit as well as future interest after the date of decree by the trial court .

The basic issue involved in the present case is whether vendees are entitled to recover the amount of municipal tax, for the period anterior to the sale of the property, which they had to pay to the municipal committee and the amount of rent, for the period post the date of execution of the sale deed, received by the vendor with respect to the property already sold by the vendor to vendees. The plaintiff in the present case claims that from the date of execution of the sale deed i.e 9.11.2015 the vendor had no right to recover the rent. The plaintiffs-vendees have also claimed that the defendant did not deposit the

municipal tax for the years 2013-14, 2014-15 and 2015-16 (upto 9.11.2015) which they were forced to pay and therefore, entitled to recover from the defendant.

As per Section 55 (1)(g) of the Transfer of Property Act, 1882, the vendor is bound to pay all public charges and rent due in respect of the property upto the date of sale. On the basis thereof, there cannot be any dispute that the vendor is liable to pay municipal charges of the property for the period anterior to the date of execution of sale deed i.e 9.11.2015 which the vendees have paid. Still further, the property which was subject matter of sale, was on rent. From the date of execution of the sale deed i.e 9.11.2015, the vendees were entitled to recover that the amount of rent. Hence, some amount wrongly received by the vendor shall be required to be paid/refunded to the vendees.

An application for permission to lead additional evidence has been filed to produce copies of the pleadings and the oral and documentary evidence already produced by the parties in the suit. There is no requirement to lead additional evidence with respect to the documents referred to above. The pleadings of the respective parties, oral and documentary evidence, already produced in the suit are part of the trial Court record and hence, the application is misconceived.

In view thereof, both the Courts have decreed the suit. Hence, no ground to interfere is made out. Dismissed.

03.12.2020**rekha**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No

(ANIL KSHETARPAL)
JUDGE