

2023:PHHC:116833
**108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-1351-1992 (O&M)
Date of decision: 05.09.2023

M/s Sahib Jagpat Cold Storage and Ice Factory

..Appellant

Versus

Administrator, Municipal Committee, Malout and another

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Anish Setia, Advocate and
Mr. Surender Singh, Advocate for the appellant

Mr. Sandeep Khunger and
Mr. Saksham Khunger, Advocates for the respondents

ANIL KSHETARPAL, J (Oral)

1. This is the plaintiff's Regular Second Appeal against the judgment passed by the First Appellate Court. The plaintiff filed a suit for grant of permanent injunction restraining the respondent from imposing or charging or recovering Rs.7452/- as octroi fee alongwith penalty of Rs.1,49,040/- as per the notice dated 10.11.1989. Though the trial court decreed the suit, however, the First Appellate Court, by a detailed judgment, has directed the plaintiff to file the statutory appeal as maintainable under Section 84 of the Punjab Municipal Act, 1911.

2. Learned counsel representing the appellant, after arguing at some length, faced with the aforesaid question, prays for permission to withdraw the appeal in order to avail the alternative remedy.

3. Learned counsel representing the respondents has no objection thereto.

4. Ordered accordingly.
5. All the pending miscellaneous applications, if any, are also disposed of.

05.09.2023
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No