

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

RSA-1922-1993 (O&M)
Date of Decision : 20.04.2024

Versus

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Mr. Kanish Jindal, Advocate
for Mr. Arun Jindal, Advocate
for the respondent.

Defendants are in appeal. For convenience, the parties are being referred to by their original position in the suit i.e. the appellants as defendants and the respondent as plaintiff.

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I attest to the accuracy and
integrity of this judgment/order

2.1. In the written statement, defendants pleaded that plaintiff had given some portion of the house on rent. However, plaintiff denied this claim by stating that the tenant in her house had already vacated the portion of house about 4 years back and it was never let out to any other person. Further she had not made any addition, alteration or improvement in the building. Therefore, the rental value assessed by the defendants to the tune of Rs.16,800/- was totally wrong, illegal and void, more so when the same was not assessed by the Rent Controller before issuing the notice dated 26.07.1988.

3. Based on the rival pleadings, following issues were framed by the Trial Court:-

1. Whether the Bill No.48/0007 dated 26.10.1988 is illegal, void, inoperative etc.? OPP
2. What is effect of non-service of notice under Section 49 of the Punjab Municipal Act? OPD
3. Whether the plaintiff is entitled to the injunction prayed for?OPP
4. Relief.

3.1. The parties to the suit adduced oral as well as documentary evidence in support of their pleadings and to discharge their respective onus as per the issues, *ibid*.

3.2. On appraisal of evidence vis-à-vis pleadings, the Trial Court decided all issues in favour of plaintiff and allowed the suit holding that claim raised by defendants regarding recovery of enhanced house tax was

not valid one as the plaintiff did not made any addition, alteration or improvement in the building.

4. Aggrieved, defendants preferred first appeal, which stands dismissed by Additional District Judge, Sangrur.

5. At the outset, counsel for plaintiff/respondent has argued that jurisdiction of Civil Court would be barred under Sections 84 and 86 of the Punjab Municipal Committee Act, 1911. Further it is a matter involving only Rs.385/- and the appeal is pending for the last 30 years, the present appeal is not maintainable in view of the law laid down by Supreme Court in *Nagarpalika Thakurdwara vs. Khalil Ahmed and others, 2016(4) R.C.R. (Civil) 615*. As per *Nagarpalika Thakurdwara’s case (supra)*, once the recovery of money not exceeding Rs.25000/- in the original suit, no second appeal would lie and Section 102 C.P.C. would apply in such cases. Further the Supreme Court held that the purpose behind enactment of Section 102 C.P.C. is to reduce the quantum of litigation so that courts may not have to waste time where the stakes are very meager and not to much consequence.

6. Counsel for the defendants/appellants has not been able to cite any contrary judgment.

7. Resultantly, the present appeal is dismissed without any costs.

8. Pending application(s), if any, shall also stand disposed off.

(PANKAJ JAIN)
JUDGE

April 20, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No