



209-2

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

CR-2300-2022 (O&M)

Date of Decision : 04.03.2025

Nahar Industrial Enterprises Ltd

... Petitioner(s)

Versus

Municipal Corporation Zone B Ludhiana & Anr

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Aalok Jagga, Advocate for the petitioner.

Mr. Sarthak Soni, Advocate for

Mr. Sanjeev Soni, Advocate for the respondents.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed by the plaintiff-petitioner challenging the orders dated 26.05.2022 and 16.11.2021 dismissing the application under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908.

2. In the present case the suit was filed by the plaintiff-petitioner herein for declaration to the effect that the impugned notice dated 01.02.2021 issued by the defendant-respondents was illegal, *malafide*, arbitrary and without jurisdiction and for permanent injunction restraining the defendant-respondents from dispossessing the plaintiff-petitioner or interfering in their peaceful possession as also restraining the defendant-respondents from taking any action on the basis of notice dated 01.02.2021 seeking to reopen the assessment of the property tax return for the year 2013-14. Alongwith the said suit, an application under Order 39 Rules 1 and 2 CPC was also filed. A reply was filed to the said application and vide

order dated 16.11.2021 the Trial Court dismissed the application under Order 39 Rules 1 and 2 CPC being bereft of any merits. Aggrieved by the same an appeal was preferred by the plaintiff-petitioner which was also dismissed by the First Appellate Court vide order dated 26.05.2022. Hence, the present revision petition.

3. Learned counsel for the parties are *ad idem* that during the pendency of the present revision petition, the disputed amount has been deposited under protest under a settlement scheme floated by the defendant-respondents.

4. Learned counsel for the defendant-respondents states that the disputed amount stands deposited and the defendant-respondents do not intend to take any action in pursuance of the notice during the pendency of the civil suit.

5. In view of the above, the present revision petition is disposed off as having been rendered infructuous. Pending applications, if any, also stand disposed off.

6. It is made clear that any observation made by the Trial Court or the First Appellate Court while dismissing the application under Order 39 Rules 1 and 2 CPC shall not be treated as an expression of opinion on the merits of the case.

04.03.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO