

RSA-2550-2023 (O&M)

MUNICIPAL CORPORATION, PHAGWARA AND ANOTHER
V/S
RAKESH KUMAR BHANOT

Present : Mr. Harsh Aggarwal, Advocate for the appellants.

The appellants have filed the present appeal against judgment and decree dated 25.01.2018 passed by learned Civil Judge (Junior Division), Phagwara whereby the suit for permanent injunction filed by the respondent/plaintiff has been decreed and judgment and decree dated 05.05.2023 passed by learned Additional District Judge, Kapurthala whereby the appeal filed by the appellants has been dismissed.

Learned counsel for the appellants, inter alia, contends that the respondent/plaintiff, who was an occupier of property bearing No.B-LVI, 28, 28, 30 situated in Hargobind Nagar Market, Pagwara, vide notice dated 09.09.2013 issued under Section 137 of the Punjab Municipal Corporation Act, 1976 was directed to pay the arrears of house tax of Rs.19,18,620/-. The said notice was challenged by the respondent/plaintiff before the Civil Court which has no jurisdiction to entertain the suit in view of the bar imposed under Section 149 of the Punjab Municipal Corporation Act, 1976. In support of his contention, learned counsel for the appellants has placed reliance upon the judgments passed by this Court in ***Municipal Corporation, Jalandhar Vs. Shri Prahlad Parkash : 2013(36) RCR (Civil) 646*** and ***Municipal Corporation, Amritsar Vs. Dr. Prem Rai : 2012(4) RCR (Civil) 153***.

Notice of motion returnable on 05.12.2023.

Lower Court Record be called for the date fixed.

04.08.2023

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**(NAMIT KUMAR)
JUDGE**