

(Spl.H.C.D.D 28E)  
G.P.Bve-(J)-191-18,000-6-89.  
G.R.J.D No. 4398 dated 3.7.16.

FIRST APPEAL NO. 152 OF 1994

Date of decision:11.10.94

For Approval and Signature

Hon'ble Mr.Chief Justice : B.N.Kirpal

Hon'ble Mr. Justice : R.K.Abichandani

1. Whether Reporters of Local Papers may be allowed to see the judgement?
2. To be referred to the Reporter of not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?...

Appearance:

Mr. J.P. Bhatt, Advocate for the appellant.  
Mr. A.C.Gandhi, Advocate for the respondent.

Coram: B.N.Kirpal, C.J. & R.K.Abichandani,J.  
Date : 11.10.1994

ORAL JUDGEMENT (Per B.N.Kirpal, C.J.)

This appeal is filed by the Municipal Corporation against the judgement of the Small Causes Court, who have allowed the appeal filed by the respondent challenging the rateable value fixed by the Municipal authorities. The respondent is a tenant of the premises bearing S/No.173/1/1 of Ward Ellisbridge, Ahmedabad who sought to challenge the fixation of the rateable value in the

appeal which he had filed against the a

Municipal Corporation.

Division Bench of this Court in the judgement dated 8th September, 1994 in First Appeal No. 829/83 in the case of Municipal Corporation, Ahmedabad Vs. Oriental Fire and General Insurance Co.Ltd., has held that appeals filed by the tenants challenging the rateable value was not maintainable. Following the ratio of the said decision in the case of Municipal Corporation, Ahmedabad Vs. Oriental Fire and General Insurance Company Limited, this appeal is allowed and the order of assessment passed by the Municipal authorities is restored. There will be no order as to costs.

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