

(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. 1272 OF 1983

Date of decision:5.10.94

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. S.N.Shelat, Advocate for the appellant  
Respondent served.

Coram: B.N.Kirpal, C.J. & R.K.Abichandani,J.  
Date :5.10.1994

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

This is an appeal filed by the Corporation against the order of the Small Causes Court whereby the assessment order fixing the rateable value has been quashed. The reasons given in the order for quashing the rateable value need not be discussed in detail, except that the main reason for quashing the order was on the ground of non-compliance of Rule

15(2). The Court has also observed that the rateable value should have been much less than what was fixed by the Corporation.

All the contentions which have been raised in this appeal have been dealt with in detail by this Court in judgement dated 8th September, 1994 in First Appeal No. 829/85 and the points in issue have been decided in favour of the Corporation.

Following the aforesaid judgement dated 8th September, 1994, the judgement and order of the Small Causes Court in the present case is set aside. The appeal filed by the respondent against the assessment is restored to the file of the Small Causes Court, who should decide the same afresh in accordance with law. There will be no order as to costs.

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