

(2001) 10 P&H CK 0158

High Court Of Punjab And Haryana At Chandigarh

Case No: Letters Patent Appeal No. 2251 of 2001

Mukhtiar Singh

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision: Oct. 22, 2001

Acts Referred:

- Haryana Municipal Act, 1973 - Section 4(2)

Citation: (2002) 4 RCR(Civil) 15

Hon'ble Judges: V.K. Bali, J; J.S. Khehar, J

Bench: Division Bench

Advocate: I.K. Mehta and K.K. Mehta, for the Appellant; K.K. Goel for the Caveator, for the Respondent

Final Decision: Dismissed

Judgement

V.K. Bali, J.

The findings of learned Single Judge based upon Section 4(2) of the Haryana Municipal Act, 1973 and a Division Bench judgment of this Court in Gram Panchayat village Khaira v. State of Haryana and Ors. 1989 96 P.L.R. 607, that the Gram Panchayat, which is juristic person and not a natural one cannot be termed as an inhabitant so as to object u/s 4(2) about alteration of boundaries of the municipal area, are sought to be challenged on the basis of decision rendered by the Supreme Court in Union Bank of India Vs. Khader International Construction and Others . The word "person" as used in Order XXXIII Rules 1 and 3 of the CPC has been interpreted to include a juristic person, like a Company. It has been held that:

"the word "person" referred to in Order XXXIII includes a juristic person also. The context in which the word "person" is used in Order XXXIII would also indicate that Company also can sue as an indigent person. Any juristic person such as a Company or idol can maintain a suit..... The definition of the term "person" is given in the General Clauses Act according to which such term shall include any Company or

association or body of individuals, whether incorporated or not. The said definition provides that the word "person" would include both natural and artificial persons. The word "person" has to be given its meaning in the context in which it is used. It refers to a person who is capable of filing a suit and this being a benevolent provision, it is to be given an extended meaning".

2. In the present case, however, the word used in Section 4(2) is "inhabitant" and not "person". Further, wore; "person" came to be interpreted as per its definition in the General Clauses act. Again, the word" "person" was given its meaning in the context in which it was used. Here, the question is with regard to raising of objections to the boundaries of municipal limits which, in the very nature of thins, can be done only by individuals being affected and not by a juristic person.

3. Finding no merit in this appeal, we dismiss the same in limine.