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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.586 OF 2015

Anandrao N. Suryavanshi	...Appellant
V/s.	
Kolhapur Municipal Transport & Ors.	...Respondents

Mr.Ashok K. Singh for the Appellant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 29TH AUGUST, 2016.

P.C. :-

1. By this appeal filed under section 100 of the Code of Civil Procedure, 1908, the appellant has impugned the judgment dated 15th November, 2014, passed by the Principal District Judge, Kolhapur dismissing the appeal (Regular Civil Appeal No.68 of 2006). In the said appeal, the appellant had impugned the judgment and decree dated 30th November, 2005 passed by the learned 2nd Joint Civil Judge, Junior Division, Kolhapur, dismissing the suit filed by the appellant *inter-alia* praying for a declaration and injunction. M/s.Business Space Designs had applied to the respondent no.1 pursuant to the notice issued by the respondent no.1 and has submitted the designs. In addition to the said M/s.Business Space

Designs, several other architects had submitted their designs. The respondent no.1 had appointed a Selection Committee for scrutinizing the designs submitted by the architects. The said Selection Committee considered the proposal given by the appellant and other architects in great detail and rejected the proposal given by the appellant on various grounds and recommended to accept the proposal of the respondent no.4. The appellant challenged the said decision of the respondent no.1 and filed a suit before the learned Trial Judge. The Trial Judge framed various issues. The parties led oral evidence before the Trial Judge.

2. The Trial Judge rejected the suit filed by the appellant while rendering various findings of fact. It is held that the suit was not filed by the said M/s.Business Space Designs and the same was filed by the partner and was thus not tenable. The suit was also bad for non-joinder of Kolhapur Municipal Corporation as a party. The suit was also bad for want of notice under section 487 of the Bombay Provincial Municipal Corporation Act.

3. Being aggrieved by the said judgment and decree passed by the Trial Judge, the appellant herein preferred an appeal (Regular Civil Appeal No.68 of 2006) before the Principal District Judge, Kolhapur. The learned Principal District Judge formulated various points for determination and after considering the oral and

documentary evidence, dismissed the appeal filed by the appellant.

4. On perusal of the orders passed by the two Courts below, I am of the view that both the Courts have considered all the evidence including oral evidence and has rightly dismissed the suit filed by the appellant. No substantial question of law has arisen in the second appeal. The findings of fact recorded by the learned Trial Judge and independently rendered by the Appellate Court are not perverse and thus cannot be interfered with by this Court under section 100 of the Code of Civil Procedure, 1908. The appeal is devoid of merits and is accordingly dismissed.

5. No order as to costs.

(R.D. DHANUKA, J.)