

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA-5044-2012 (O&M)

Date of decision: 03.05.2018

Municipal Corporation Ludhiana

..... Appellant

Versus

M/s Highway Service Station

..... Respondent

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

**PRESENT:** Mr. Harsh Aggarwal, Advocate for the appellant.

Mr. Madan Gupta, Advocate for the respondent.

**RAMENDRA JAIN, J. (ORAL)**

1. Through this appeal, defendant/appellant-Corporation has made a limited prayer for modification of direction of the Ist Appellate Court, to it to make payment of the decretal amount along with interest to respondent-plaintiff and to seek refund, in case, any entry found forged by the Criminal Court ,who was trying a case against the employees of the appellant-Corporation for cheating and committing fraud, in connivance with owner of the respondent-plaintiff.

2. At the outset, learned counsel for the respondent-plaintiff producing the duly attested copy of the judgment dated 07.11.2013 of the Special Judge, Ludhiana pertaining to FIR No. 9 dated 21.02.2004, registered under Sections 409, 420, 467, 468, 471, 477-A, 120-B IPC and Section 13(1)(c)(d) read with Section 13(2) 88 of the Prevention of Corruption Act, Police Station Vigilance Bureau, Ludhiana, urged that Krishan Lal, Retd. Clerk, of the appellant-Corporation had expired during

trial, whereas Balvir Singh, Fitter, of the appellant-Corporation has been

acquitted. Therefore, the instant appeal does not survive.

3. Learned counsel for the appellant-Corporation, has not been able to refute the above contention of learned counsel for the respondent. Therefore, the instant Regular Second Appeal, is dismissed as having rendered infructuous.

**May 03, 2018**  
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**( RAMENDRA JAIN )**  
**JUDGE**

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| <b>Whether speaking/reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>Yes/No</b> |