

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

110

RSA-488-2017 (O & M)  
Date of Decision:15.10.2018

Rajesh Kumar

...Appellant

Versus

Municipal Council, Dina Nagar and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Ms. Promila Nain, Advocate  
for the appellant.

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**ANIL KSHETARPAL, J.(Oral)**

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by both the Courts below while dismissing the suit filed by the plaintiff for mandatory injunction directing the defendant-Municipal Council to pay an amount of Rs.4,02,000/- against the work of C.C. Flooring of street in Ward No.7.

Both the Courts have concurrently found and is not disputed before this Court that no order was placed in writing for C.C. Flooring of street of Municipal Council, Ward No.7. Plaintiff claims that there was an oral direction given by the Municipal Councilor, who had promised that after the elections, he will get everything regularized and release the payment. There is no evidence available on the file that Municipal Council passed an order for C.C. Flooring of the street ever. The oral promise as alleged has not been proved. Still further, suit for mandatory injunction

could not be filed.

Hence, there is no ground to interfere.

Regular second appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

15.10.2018

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**(ANIL KSHETARPAL)**  
**JUDGE**

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No