

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

**RSA No.1327 of 2016 (O&M)
Date of Decision.04.02.2019**

Parmesh Grover

...Appellant

Vs

Municipal Committee, Ferozepur City

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. K.B. Raheja, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The suit for recovery against the Municipal Committee has been dismissed by the trial Court and affirmed in appeal by the lower Appellate Court.

Mr. Raheja, learned counsel appearing on behalf of the appellant submitted that on the oral assurance of the respondents, which has been proved through the testimony of PW2, work of electrical and installation of street light poles was undertaken by the plaintiff but no payment was made. The trial Court did not notice this fact and therefore, there is illegality.

The aforementioned argument of Mr. Raheja is not able to cut ice as the Municipal Committee cannot incur any expense without having putting agenda in the House or passing Resolution nor any document with regard to invitation of tender has been placed on record. In such circumstances, suit of the appellant-plaintiff was based upon no contract. Faced with the cross-examination, PW2 stated that he had no authority to say that plaintiff had undertaken the

work. In such circumstances, plaintiff miserably failed to discharge the onus.

In view of aforementioned fact, I do not find any illegality and perversity in the concurrent finding of fact and law rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 04, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No