

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

**RSA No.486 of 2017 (O&M)
Date of Decision.07.03.2019**

Ashwani Kumar

...Appellant

Vs

Municipal Council Sujanpur and another

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Narinder Kumar Vadehra, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

It is a classic case where the plaintiff on the basis of photocopies proclaimed himself to be owner being the highest bidder in auction conducted on 10.12.2004 and sought indulgence of the trial Court by seeking mandatory injunction against the Municipal Committee for execution of the sale deed of shop No.2, Ghass Mandi, Sujanpur.

Mr. Vadehra, learned counsel appearing on behalf of the appellant-plaintiff submitted that officials of the Municipal Committee did not deny their signatures on the photocopy with regard to auction, as record of the auction proceedings was destroyed.

I am afraid aforementioned argument is not sustainable, as auction is of 2004 whereby suit is of October, 2010. It is not that old record but only six years old. Plaintiff failed to discharge onus of being highest bidder as no proof qua bank account or withdrawal of amount allegedly deposited in auction proceedings has seen light of the day.

In view of such circumstances, I do not find any

illegality and perversity in the concurrent finding 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

March 07, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No