

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

107

**RSA-2543 of 2017 (O&M)
Date of decision: 14.12.2022**

Municipal Committee, Gohana and another

..Appellants

Versus

Ram Rattan and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prateek Mahajan, Advocate and
Ms. Prerna Malhotra, Advocate, for the appellants

Mr. Harsh Vardhan Shehrawat, AAG, Haryana and
Mr. Jaspal Singh Pannu, AAG, Haryana.

Mr. Ajay Jain, Advocate, for respondent no.1.

ANIL KSHETARPAL, J(Oral)

The appellant before this Court is the Municipal Committee, Gohana (defendant no.3 in the suit). The trial court decreed the plaintiff's suit. However, the appellant's first appeal filed through its Secretary has been dismissed on account of no resolution by the Municipal Committee authorizing him to file the appeal.

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

The learned counsel representing the appellants, while relying upon the judgment passed in **United Bank of India vs. Naresh Kumar, AIR 1997 SC 3**, contends that the First Appellate Court has wrongly dismissed the appeal on the ground that its Secretary was not specifically authorised by the Municipal Committee.

The learned counsel representing the respondent does not dispute the aforesaid contention of the learned counsel representing the appellant.

Hence, the impugned order dated 30.01.2016 is set aside. The first appeal filed by the appellants is restored to its original number.

The appeal stands disposed of.

The parties through their counsels are directed to appear before the First Appellate Court on 16.01.2023.

The First Appellate Court is requested to make sincere endeavours for expeditious disposal of the appeal, preferably within a period of 6 months.

All the pending miscellaneous applications, if any, are also disposed of.

December 14, 2022
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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>